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No. 36] NEW DELHI, AUGUST 28—SEPTEMBER 3, 2011, SATURDAY/BHADRA 6—BHADRA 12, 1933

भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक एवं प्रशिक्षण विभाग)

शुद्धिपत्र

नई दिल्ली, 19 अगस्त, 2011

का. आ. 2318.—इस विभाग की अधिसूचना सं. 228/79/2010-AVD II दिनांक 13-07-2011 के अंग्रेजी रूपांतर की पांचवी पंक्ति में दृष्टि गोचर शब्द "छह जून, 2011" को "सात जून, 2011" एवं नौवी पंक्ति में दृष्टिगोचर शब्द "एन" को "एन्ड" पढ़ा जाए।

हिंदी रूपांतर की तीसरी पंक्ति में दृष्टिगोचर शब्द "6-6-2011" को "7-6-2011" एवं नौवीं एवं दसवीं पंक्तियों में दृष्टिगोचर शब्द "भारतीय दंड संहिता की धारा 49, 49-बी के साथ पठित धारा 120-बी तथा वन्यजीव (संरक्षण) अधिनियम, 1972 की धारा 51" को "भारतीय दंड संहिता, 1860 की धारा 120-बी के साथ धारा 51 सपठित धारा 49, 49-बी वन्यजीव (संरक्षण) अधिनियम, 1972" पढ़ा जाए।

[फा. सं. 228/79/2010-एवीडी-II]
राजीव जैन, अवर सचिव (V-II)

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

CORRIGENDUM

New Delhi, the 19th August, 2011

S. O. 2318.—In this Department, Notification No 228/79/2010-AVD-II dated 13-7-2011, in English version, the words "6th June, 2011" appearing in the 5th line, may be read as "7th June, 2011" and the word "an" appearing in the 9th line may be read as "and".

2. In Hindi version of this notification, the words "6-6-2011" appearing in the 3rd line, may be read as "7-6-2011" and the words appearing in the 9th and 10th lines "Bharitiya Dand Sanhita Ki Dhara 49, 49-B Ke Sath Pathit Dhara 120-B Tatha Vanyajeev (Sanrakshan) Adhiniyam, 1972 Ki Dhara 51" may be read as "Bharitiya Dand Sanhita 1860 Ki Dhara 120-B Ke Sath Dhara 51 Sahpathiit Dhara 49, 49-B Vanyajeev (Sanrakshan) Adhiniyam, 1972".

[F. No. 228/79/2010-AVD-II]
RAJIV JAIN, Under Secy. (V-II)

नई दिल्ली, 19 अगस्त, 2011

का. आ. 2319.—केंद्रीय सरकार एतद्वारा इस विभाग की अधिसूचना सं. 228/67/2007-एवीडी-II दिनांक 30 अक्टूबर, 2008 में आंशिक संशोधन करते हुए और दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) के अनुसरण में उत्तर प्रदेश राज्य सरकार, गृह (पुलिस) सेक्शन-III की अधिसूचना सं. 586पी/6-3-2011-9 एसआईटी/07, लखनऊ दिनांक 8 अप्रैल, 2011 द्वारा प्राप्त सहमति से वर्ष 2002 से वर्ष 2005 तक की अवधि के दौरान विभिन्न जिलों में सार्वजनिक वितरण प्रणाली (पीडीएस) के अधीन विभिन्न स्कीमों में बड़े पैमाने पर हुए घोटाले के संबंध में दंडनीय अपराधों तथा उपर्युक्त उल्लिखित अपराध के संबंध में या उससे संबद्ध प्रयास, दुष्प्रेरण तथा षडयंत्र तथा उसी संव्यवहार के क्रम में या उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध/अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य के सम्बन्ध में करती है।

[फा. सं. 228/32/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 19th August, 2011

S. O. 2319.—In partial modification of this Department's Notification No. 228/67/2007-AVD-II dated 30th October, 2008 and in pursuance of the sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh, Home (Police) Section-III vide Notification No. 586P/6-3-2011-9 SIT/07, Lucknow dated 8th April, 2011, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of offences punishable relating to the large scale scam in different schemes under Public Distribution System (PDS) in different districts during the period from 2002 to 2005 and attempts, abetments and conspiracies in relation to or in connection with the above mentioned offences and any other offence or offences committed in course of the same transaction or arising out of the same facts.

[F. No. 228/32/2011-AVD-II]

RAJIV JAIN, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 19 अगस्त, 2011

का. आ. 2320.—निक्षेप बीमा और प्रत्यय गारंटी निगम अधिनियम, 1961 (1961 का 47) की धारा 6 की उप-धारा 2 के खण्ड (ii) के साथ पठित धारा 6 की उप-धारा 1 के खण्ड (घ)

द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से श्री प्रकाश बक्शी, अध्यक्ष, नाबार्ड को निक्षेप बीमा और प्रत्यय गारंटी निगम (डीआईसीजीसी) के निदेशक मंडल में, अधिसूचना की तारीख से दिनांक 30-09-2013 अर्थात् उनके द्वारा अधिवर्षिता की आयु प्राप्त करने की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, श्री उमेश चन्द्र सारंगी के स्थान पर निदेशक के रूप में नामित करती है।

[फा. सं. 7/4/2007-बीओ-1]

समीर कुमार सिन्हा, निदेशक

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 19th August, 2011

S. O. 2320.—In exercise of the powers conferred by clause (d) of sub-section (1) of Section 6 read with clause (ii) of sub-Section 2 of Section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), the Central Government, in consultation with Reserve Bank of India, hereby nominates Shri Prakash Bakshi, Chairman, NABARD as a director on the Board of Directors of Deposit Insurance and Credit Guarantee Corporation (DICGC) from the date of notification and upto 30-09-2013 i.e. the date of his attaining the age of superannuation or until further orders whichever is earlier vice Shri Umesh Chandra Sarangi.

[F. No. 7/4/2007-BO-I]

SAMIR K. SINHA, Director

नई दिल्ली, 19 अगस्त, 2011

का. आ. 2321.—राष्ट्रीय कृषि तथा ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, श्री एच. आर. खान, उप गवर्नर, भारतीय रिजर्व बैंक को अधिसूचना की तारीख से और अगले आदेशों तक, जो भी पहले हो, डॉ. के. सी. चक्रवर्ती के स्थान पर राष्ट्रीय कृषि तथा ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मंडल में अंशकालिक निदेशक के रूप में नामित करती है।

[फा. सं. 7/2/2009-बीओ-1]

समीर कुमार सिन्हा, निदेशक

New Delhi, the 19th August, 2011

S. O. 2321.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 6 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri H. R. Khan, Deputy Governor, Reserve Bank of India as part-time director on the Board of Directors of National Bank

for Agriculture and Rural Development (NABARD), from the date of notification and until further orders whichever is earlier, vice Dr. K. C. Chakraborty.

[F.No. 7/2/2009-BO-I]

SAMIR K. SINHA, Director

नई दिल्ली, 24 अगस्त, 2011

का. आ. 2322.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके, एतद्द्वारा, आन्ध्रा बैंक के महाप्रबंधक श्री एम. अंजनेया प्रसाद (जन्म तिथि 1-12-1954), को उनके पदभार ग्रहण करने की तारीख से 30-11-2014 तक अर्थात् उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, सिंडिकेट बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2010-बीओ-I]

समीर के. सिन्हा, निदेशक

New Delhi, the 24th August, 2011

S. O. 2322.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri M. Anjaneya Prasad (DoB: 1-12-1954), General Manager, Andhra Bank as Executive Director, Syndicate Bank, with effect from the date of his taking over charge of the post till 30-11-2014, i.e. the date of his superannuation or until further orders, whichever is earlier.

[F.No. 4/5/2010-BO-I]

SAMIR K. SINHA, Director

नई दिल्ली, 24 अगस्त, 2011

का. आ. 2323.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उपखंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके, एतद्द्वारा, बैंक ऑफ इंडिया के महाप्रबंधक श्री सुरेश कुमार जैन (जन्म तिथि 5-5-1954), को 1-9-2011 को अथवा उसके पश्चात् उनके पदभार ग्रहण करने की तारीख से 31-5-2014 तक अर्थात् उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, यूनियन बैंक ऑफ इंडिया के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2010-बीओ-I]

समीर के. सिन्हा, निदेशक

New Delhi, the 24th August, 2011

S. O. 2323.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Suresh Kumar Jain (DoB: 5-5-1954), General Manager, Bank of India as Executive Director, Union Bank of India, with effect from the date of his taking over charge of the post on or after 1-9-2011 till 31-5-2014, i.e. the date of his superannuation or until further orders, whichever is earlier.

[F.No. 4/5/2010-BO-I]

SAMIR K. SINHA, Director

मुख्य आयकर आयुक्त का कार्यालय

जोधपुर, 24 अगस्त, 2011

(सं. 6/2011-12)

का. आ. 2324.—आयकर अधिनियम, 1961 (1961 का 43वां) की धारा 10(23ग) के खण्ड (vi) के साथ पठित आयकर नियमावली-1962 के नियम 2 ग ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जोधपुर एतद्द्वारा "सेन्ट जॉन्स एजुकेशन सोसायटी पोस्ट आमथला, आबूरोड" को उक्त धारा के प्रयोजनार्थ निर्धारण वर्ष 2010-11 से आगे तक निम्नलिखित शर्तों के अधीन अनुमोदित करते हैं :-

1. कर निर्धारिती उसकी आय का प्रयोग अथवा उसकी आय का प्रयोग करने के लिए उसका संचयन पूर्णतः तथा अनन्यतः उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई। कर निर्धारिती न्यास द्वारा एक प्रतिबद्धता (अंडरटेकिंग) की गयी है कि संस्था का कार्य केवल शिक्षा प्रसार ही होगा व इसके अलावा संस्था कोई कार्य नहीं करेगी। संस्था को यह सुनिश्चित करना है कि दी गई अंडरटेकिंग का उल्लंघन न हो।
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
3. यह आदेश किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हो।

4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
5. विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसंपत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी और उसका कोई भी भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा।
6. आयकर अधिनियम की धारा 10 (23ग) के साथ पठित 115खखग में परन्तुक 15 की शर्तों में अनाम दानों के सम्बन्ध में यह अनुमोदन लागू नहीं होगा।
7. यह अधिसूचना तब तक जारी रहेगी जब तक इसे वापस न लिया जाय।

[संदर्भ सं.-मु.आ.आ./आ.अ.(तक)/जोध/2011-12/1931]
दिलीप शिवपुरी, मुख्य आयकर आयुक्त

**OFFICE OF THE CHIEF COMMISSIONER OF
INCOME-TAX**

Jodhpur, the 24th August, 2011

(No. 6/2011-12)

S. O. 2324.—In exercise of the powers conferred by clause (vi) of, Section 10(23C) of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income Tax Rules, 1962, I, the Chief Commissioner of Income Tax, Jodhpur hereby approve "St. John's Educational Society, Amthala P.O., Abu Road," for the purpose of the said-section for the assessment year 2010-11 onwards, subject to the following conditions:-

1. the assessee will apply its income, or accumulate for application wholly and exclusively to educational purpose only. The assessee trust shall

- have to adhere to its undertaking that the activities of the Institute shall be confined only to educational purpose. The Institute shall do no other activity except education.
2. the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
3. this order will not apply in relation to any income being profits and gain of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.
6. The approval will not apply in relation to anonymous donations in terms of the fifteenth proviso to Section 10(23C) r.w.s. 115BBC of the Act.
7. This notification will remain in force until it is withdrawn.

[Ref. No. CCIT/IT0(Tech.)/Ju/2011-12/1931]

DILEEP SHIVPURI, Chief Commissioner of Income Tax

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 9 अगस्त, 2011

का. आ. 2325.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अनुसूची में :-

(क) "डा. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा" के समक्ष शीर्षक 'मान्यता प्राप्त चिकित्सा अर्हता' [इसके बाद कालम (2) के रूप में संदर्भित] के अन्तर्गत और शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके बाद कालम (3) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :-

(2)

(3)

"डॉक्टर ऑफ मेडिसीन (पैथोलोजी)"

एमडी(पैथोलोजी)

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह एलूरी सीता रामा राजू आयुर्विज्ञान अकादमी, एलूरू, आन्ध्र प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में डा. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

(2)	(3)
“नेत्र विज्ञान में डिप्लोमा”	डीओ (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह एलूरी सीता रामा राजू आयुर्विज्ञान अकादमी, एलूरू, आन्ध्र प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में डा. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)
“बाल स्वास्थ्य में डिप्लोमा”	डीसीएच (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह पीईएस आयुर्विज्ञान एवं अनुसंधान संस्थान, कुप्पम, आन्ध्र प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में डा. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)
“अस्थि रोग विज्ञान में डिप्लोमा”	डी.ओ.थो. (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह डा. पिन्नामानेनी सिद्धार्थ आयुर्विज्ञान एवं अनुसंधान संस्थान, कृष्णा जिला, आन्ध्र प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में डा. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)
“बाल स्वास्थ्य में डिप्लोमा”	डीसीएच (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह डा. पिन्नामानेनी सिद्धार्थ आयुर्विज्ञान एवं अनुसंधान संस्थान, कृष्णा जिला, आन्ध्र प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में डा. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)
“प्रसूति एवं स्त्रीरोग विज्ञान में डिप्लोमा”	डीजीओ (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह चलमेडा आनन्द राव आयुर्विज्ञान संस्थान, करीम नगर, आन्ध्र प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में डा. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)
“चिकित्सा विकिरण निदान में डिप्लोमा”	डीएमआरडी (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह चलमेडा आनन्द राव आयुर्विज्ञान संस्थान, करीम नगर, आन्ध्र प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में डा. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)
“संज्ञाहरण विज्ञान में डिप्लोमा”	डीए (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह चलमेडा आनन्द राव आयुर्विज्ञान संस्थान, करीम नगर, आन्ध्र प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में डा. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)”)

(ख) “विनायक मिशन विश्वविद्यालय, सेलम, तमिलनाडु” के समक्ष शीर्षक ‘मान्यता प्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] के अन्तर्गत और शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :-

(2)	(3)
“डॉक्टर ऑफ मेडिसीन (माइक्रोबायोलोजी)”	एमडी (माइक्रोबायोलोजी) (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह आरूपडई वीडू मेडिकल कॉलेज, पुडुचेरी में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में विनायक मिशन विश्वविद्यालय, सेलम, तमिलनाडु द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)”

सभी नोट करें कि :

1. स्नातकोत्तर पाठ्यक्रम को प्रदान की गई मान्यता अधिकतम 5 वर्ष तक की अवधि के लिए होगी जिसके पश्चात् इसे नवीकृत करवाना होगा ।
2. उप-खण्ड 4 में यथापेक्षित मान्यता को समय से नवीकृत न करवाने के परिणामस्वरूप संबंधित स्नातकोत्तर पाठ्यक्रम में दाखिले निरपवाद रूप से बन्द हो जाएंगे ।

[सं. यू-12012/51/2011-एमई (पी. II)]

अनिता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 9th August, 2011

S. O. 2325.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby, makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule—

(a) against “Dr. NTR University of Health Sciences, Vijayawada” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

2	3
“ Doctor of Medicine (Pathology)”	MD (Pathology) (This shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Alluri Sita Rama Raju Academy of Medical Sciences, Eluru, Andhra Pradesh on or after May, 2011)
“ Diploma in Ophthalmology”	DO (This shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Alluri Sita Rama Raju Academy of Medical Sciences, Eluru, Andhra Pradesh on or after May, 2011)
“ Diploma in Child Health”	DCH (This shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at PES Institute of Medical Sciences and Research, Kuppam, Andhra Pradesh on or after May, 2011)

2	3
“ Diploma in Orthopaedics ”	D. Ortho. (This shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research, Krishna Dt., Andhra Pradesh on or after May, 2011).
“ Diploma in Child Health ”	DCH (This shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Dr. Pinnamaneni Siddhartha Institute of Medical Sciences & Research, Krishna Dt., Andhra Pradesh on or after May, 2011).
“ Diploma in Obstetrics & Gynaecology ”	DGO (This shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Chalmeda Anand Rao Institute of Medical Sciences, Karimnagar, Andhra Pradesh on or after May, 2011).
“ Diploma in Medical Radio Diagnosis ”	DMRD (This shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Chalmeda Anand Rao Institute of Medical Sciences, Karimnagar, Andhra Pradesh on or after May, 2011).
“ Diploma in Anaesthesiology ”	DA (This shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Chalmeda Anand Rao Institute of Medical Sciences, Karimnagar, Andhra Pradesh on or after May, 2011).

(b) against “Vinayaka Missions University, Salem, Tamil Nadu” under the heading Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

“ Doctor of Medicine (Microbiology) ”	MD (Microbiology) (This shall be a recognised medical qualification when granted by Vinayaka Missions University, Salem, Tamil Nadu in respect of students being trained at Aarupadai Veedu Medical College, Puducherry on or after May, 2011).
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- Note to all :
1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.
 2. Failure to seek timely renewal of recognition as required in sub-clause-4 shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[No. U. 12012/51/2011-ME(P.II)]

ANITA TRIPATHI, Under Secy.

कृषि मंत्रालय

(कृषि अनुसंधान एवं शिक्षा विभाग)

नई दिल्ली, 19 अगस्त 2011

का.आ. 2326.—लोक परिसर (अप्राधिकृत दखलकारों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा तालिका के कॉलम (2) में उल्लिखित अधिकारियों को सरकार के राजपत्रित अधिकारी के पद के समकक्ष अधिकारी होने के नाते, उक्त अधिनियम के उद्देश्यों के लिए सम्मदा अधिकारी नियुक्त करती है, जो नीचे दी गई तालिका के कॉलम (3) की सदृश प्रविष्टि में विनिर्दिष्ट लोक परिसरों के संबंध में, अपने संबंधित क्षेत्राधिकार की स्थानीय सीमाओं के भीतर उक्त अधिनियम के द्वारा या इसके अंतर्गत संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और निहित कर्तव्यों का निष्पादन करेंगे।

तालिका

क्रम सं.	अधिकारी का नाम और पदनाम	दर्शाये गये राज्यों के अनुसार स्थानीय सीमाएं
1.	श्री डी. मोइत्रा, मुख्य प्रशासनिक अधिकारी, केन्द्रीय चावल अनुसंधान संस्थान, कटक	उड़ीसा, बिहार, झारखड़, पश्चिम बंगाल, सिक्किम, मेघालय, असम, अरुणाचल प्रदेश, नागालैण्ड, मणिपुर, मिजोरम, त्रिपुरा, अण्डमान एवं निकोबार द्वीप समूह।
2.	श्री सुरेश कुमार, मुख्य प्रशासनिक अधिकारी, केन्द्रीय मात्स्यिकी शिक्षा संस्थान, मुम्बई	महाराष्ट्र, गोवा, गुजरात, मध्य प्रदेश, राजस्थान, छत्तीसगढ़

[फा. सं. 15(15)/2010-ई एण्ड एम]

विजय सिंह, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agricultural Research and Education)

New Delhi, the 19th August, 2011

S.O. 2326.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the following officers mentioned in column (2) of the Table, being the officers equivalent to the rank of Gazetted Officer of the Government, to be Estate Officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed, on the Estate Officers by or under the said Act, within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entry in column (3) of the Table below.

TABLE

Sl. No.	Name and Designation of the Officer	Local limits as per States indicated
1.	Shri D. Moitra, Chief Admn. Officer, Centre Rice Research Institute, Cuttack	Orissa, Bihar, Jharkhand, West Bengal, Sikkim, Meghalaya, Assam, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, A&N Island
2.	Shri Suresh Kumar, Chief Admn. Officer, Central Institute of Fisheries Education, Mumbai	Maharashtra, Goa, Gujarat, Madhya Pradesh, Rajasthan, Chhattisgarh

[F. No. 15(15)/2010-E&M]

VIJAY SINGH, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

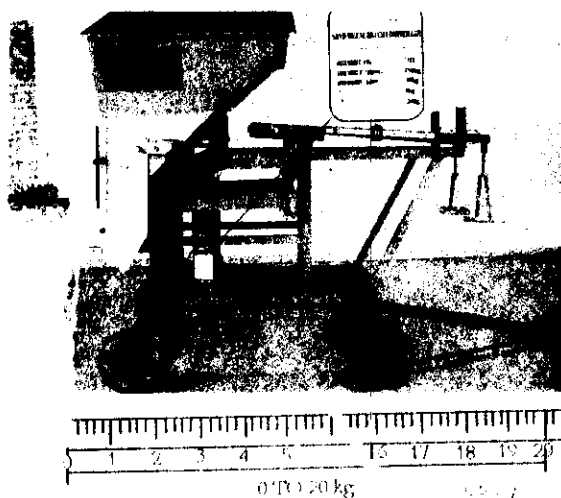
(उपभोक्ता मामले विभाग)

नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2327.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स यूनिवर्सल कंस्ट्रक्शन मशीनरी एंड इक्विपमेंट लि. 'यूनिवर्सल हाउस' वार्जे जकत नाका, कोथरूड, पुणे 52, महाराष्ट्र द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग-III) वाले "750" शृंखला के एनालॉग सूचन सहित, अस्वचालित तोलन उपकरण (मेकेनिकल प्लेटफार्म हुपर टाइप स्टील यार्ड) के मॉडल का, जिसके ब्राण्ड का नाम "बेचिंग प्लांट-सेंडमेटल बैच कंट्रोलर" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2010/319 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एनालॉग सूचन सहित मैकेनिकल लीवर आधारित अस्वचालित तोलन उपकरण (मेकेनिकल प्लेटफार्म हुपर टाइप स्टील यार्ड) है। इसकी अधिकतम क्षमता 750 कि.ग्रा., न्यूनतम क्षमता 10 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 1 कि. ग्रा. है और मापमान अन्तराल (डी) 200 ग्रा. है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बाडी में बनाए गए होल्ज में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मंक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5.कि.ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 750 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(175)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 18th April, 2011.

S.O. 2447—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument [Mechanical Platform (Hopper Type) Steelyard] with analogue indication (hereinafter referred to as the said Model) belonging to Ordinary accuracy class (Accuracy class -III) and "750" Series with brand name "Batching Plant-Sand Metal batch Controller" manufactured by M/s. Universal Construction Machinery & Equipment Ltd. "Universal House", Warje, Jambhale, Kothrud, Pune-52, Maharashtra and which is assigned the approval mark IND/09/2010/319;

The said model is a mechanical lever based non-automatic weighing instrument [Mechanical Platform (Hopper Type) Steelyard] with analogue indication of maximum capacity 750 kg. minimum capacity 10 kg. The value of verification scale interval 'e' is 1 kg. and scale interval 'd' is 200g.

Figure

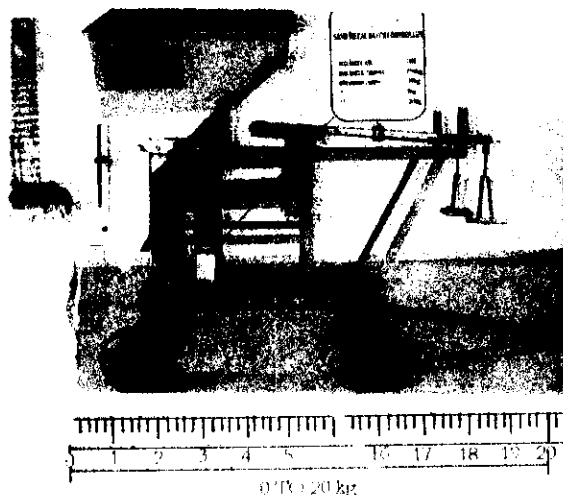


Figure-2 Sealing arrangement

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 750 kg. and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved Model have been manufactured.

[F.No.WM-21(175)/2010]

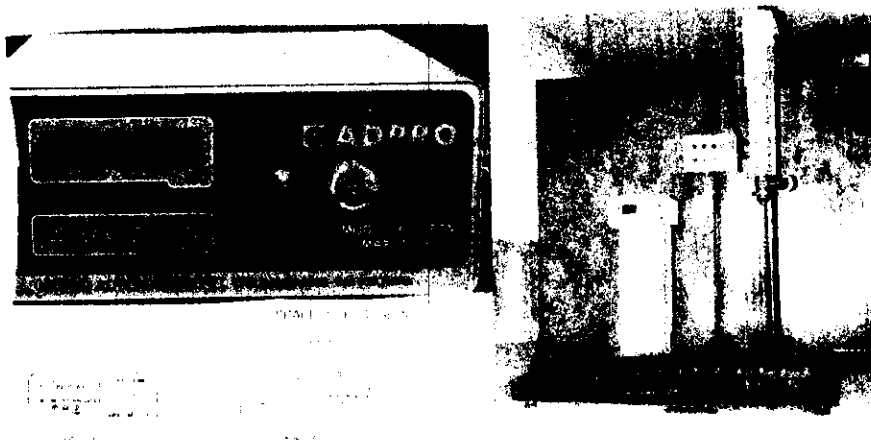
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2328.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह संभावना होगी कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एडप्रो आटोमेशन प्रा. लि., नं. 7, 9वां क्रॉस, गणपति नगर, राजगोपाल नगर, मेन रोड, बंगलौर-58 द्वारा विनिर्मित यथार्थता वर्ग, X(1) वाले "एडीपी-बीएफएम" शृंखला के स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण (विसकॉस/नॉन-विसकॉस लिक्विड) के मॉडल का, जिसके ब्राण्ड का नाम "एडप्रो" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन बिह आई एन डी/09/10/22 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण (विसकॉस/नॉन-विसकॉस लिक्विड) है उत्पाद की मात्रा और प्रकृति पर निर्भर करते हुए इसकी उत्पादकता 500 कि.ग्रा., 30 पैकेट प्रति घंटा की संख्या के साथ है। इसका वायु दाब 6 कि.ग्रा. सेमी है। मशीन को सभी प्रकार विसकॉस/नॉन-विसकॉस आयल जैसे मस्टर्ड आयल, जिंगली आयल, सुन्मुखी का तेल आदि के भरने के लिए डिजाइन किया गया है। प्रकाश उत्सर्जक डायोडल (एल ई डी) प्रदर्श तोलन परिणाम उपदेशित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्टाम्प और सील के सत्यापन के लिए इंडिकेटर के पिछली तरफ, कवर और बरास्क्रेट के ऊपर से चार बोर्ड स्कू में से लोडिड सीलिंग वायर कसा गया है। सील से छेड़छाड़ किए बिना इंडिकेटर को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कलिब्रेशन तक पहुंच की सुविधा है। बाहरी कलिब्रेशन तक पहुंच को रोकने के लिए ए डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 50 कि.ग्रा. से 500 कि.ग्रा. तक क्षमता वाले हैं।

[फा. सं. डब्ल्यू एम 21(07)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2328.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling Instrument (Viscous/Non Viscous Liquid) belonging to Accuracy Class, X (1) of 'ADP-BFM' series with brand name "ADPRO" (hereinafter referred to as the said model), manufactured by M/s Adpro Automation Pvt. Ltd., No. 7, 9th Cross, Ganapathy Nagar, Rajgopal Nagar, Main Road, Bangalore-58 and which is assigned the approval mark IND/09/10/22;

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Viscous/Non Viscous Liquid) It has the output upto 500kg. with a frequency of weighing 30 packs per hour depending upon the quantity and nature of the product. Its air pressure is 6kg./cm². The machine is designed for filling all types of viscous and non viscous oils like mustard oil, Gingili oil, Sunflower oil, etc. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply

Figure-1

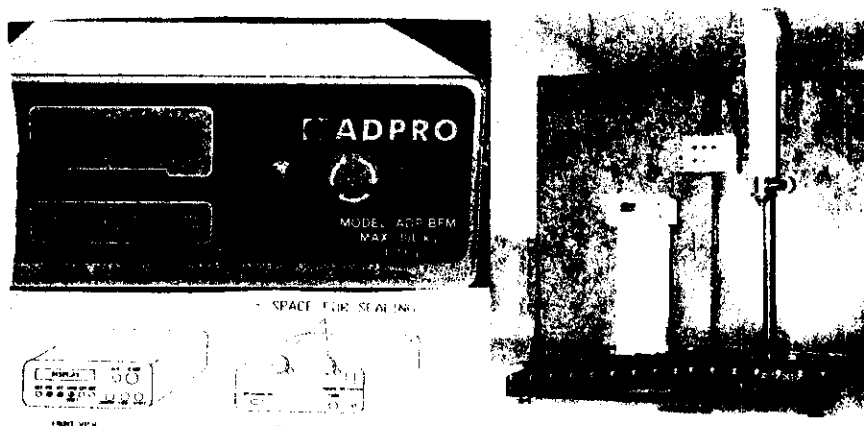


Figure-2 Sealing diagram of the sealing provision of the model

On the rear side of the indicator, a leaded sealing wire is fastened through four bored screws, passing over the cover and bracket, for receiving the verification stamp and seal. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series capacity from 50 kg. to 500 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21/(07)/2010]

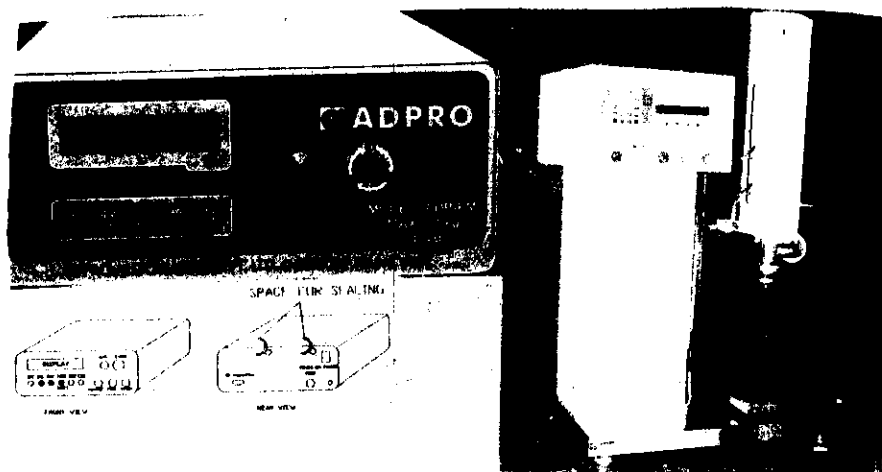
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2329.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एडप्रो आटोमेशन प्रा. लि., नं. 7, 9वां क्रॉस, गणपति नगर, राजगोपाल नगर, मैन रोड, बंगलौर-58 द्वारा विनिर्मित यथार्थता वर्ग, X (0.5) वाले "एडीपी-बैफएम" शृंखला के स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण (विसर्कॉस/नॉन-विसर्कॉस लिक्विड) के मॉडल का, जिसके ब्राण्ड का नाम "एडप्रो" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/23 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण (विसर्कॉस/नॉन-विसर्कॉस लिक्विड) है उत्पाद की मात्रा और प्रकृति पर निर्भर करते हुए इसकी उत्पादकता 50 कि.ग्रा., 150 पैकेट प्रति घंटा की बारम्बारता के साथ है। मशीन को सभी प्रकार विसर्कॉस/नॉन-विसर्कॉस आयल जैसे मस्टर्ड आयल, जिंगली आयल, सूरजमुखी का तेल आदि के भरने के लिए डिजाइन किया गया है। प्रकाश उत्सर्जक डायोडल (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्टाम्प और सील के सत्यापन के लिए इंडिकेटर के पीछे, कवर और ब्रैकेट से निकालते हुए लीडिड सीलिंग वायर फॉर बोरेडे स्कूज से कसा जाता है। सील तोड़े बिना इंडिकेटर को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मंदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिसमें उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 50 कि.ग्रा. तक की रेंज में हैं।

[फा. सं. डब्ल्यू एम 21(07)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2329.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling Instrument (Viscous/Non Viscous Liquid) belonging to Accuracy Class, X (0.5) of 'ADP-FM' series with brand name "ADPRO" (hereinafter referred to as the said model), manufactured by M/s Adpro Automation Pvt. Ltd., No. 7, 9th Cross, Ganapathy Nagar, Rajgopal Nagar, Main Road, Bangalore-58 and which is assigned the approval mark IND/09/10/23;

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Viscous/Non Viscous Liquid) It has the output upto 50kg. with a frequency of weighing 150 packs per hour depending upon the quantity and nature of the product. The machine is designed for filling all types of viscous and non viscous oils like mustard oil, Gingili oil, Sunflower oil, etc. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

Figure-1

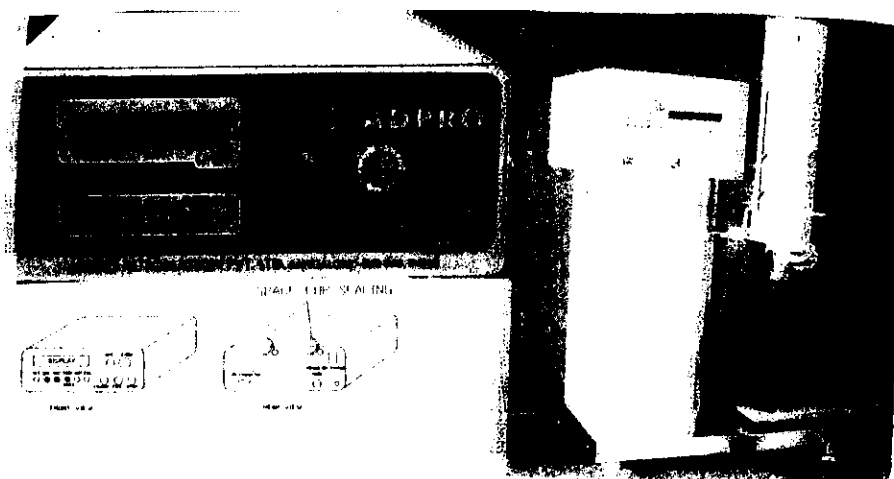


Figure-2 Sealing diagram of the sealing provision of the model

On the rear side of the indicator, a leaded sealing wire is fastened through four bored screws, passing over the cover and bracket, for receiving the verification stamp and seal. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make accuracy and performance of same series capacity from 50 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21/(07)/2010]

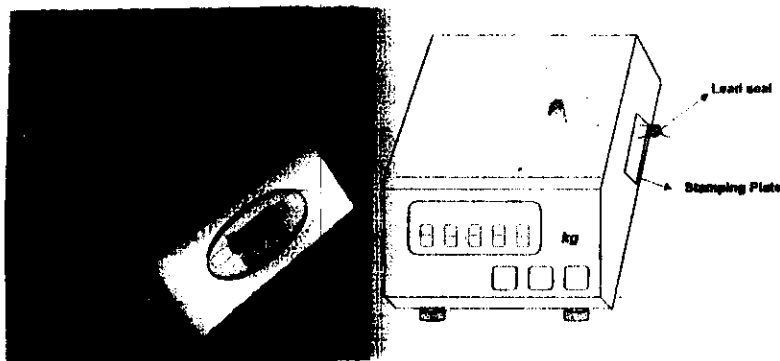
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2330.—केन्द्रीय सरकार का, विहित प्रधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रकाश ट्रेडर्स, 89, कबाड़ी बाजार, मेरठ सिटी-250002, उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता-II) वाले "पीटीटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "एंकर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/389 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। लाईट इमिटिंग डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी से सीलिंग वायर निकाल कर डिस्पले पर सील किया जाता है। सील को डिस्पले को बेस प्लेट और टॉप कवर के छेद से जोड़ा गया है उसके बाद इन दो छेदों से सील वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम. 21(242)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2330.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high Accuracy (Accuracy class -II) of Series "PTT" and with brand name "ANCHOR" (hereinafter referred to as the said Model), manufactured by M/s. Prakash Traders, 89, Kabari Bazar, Meerut City-250002, Uttar Pradesh and which is assigned the approval mark IND/09/10/389;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts or 50 Hertz alternative current power supply.

Figure-1

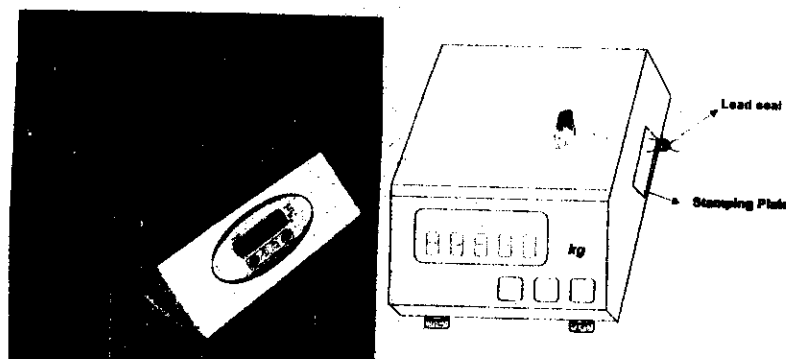


Figure-2 Schematic Diagram of sealing provision of the Model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[E.No.WM-21(242)/2010]

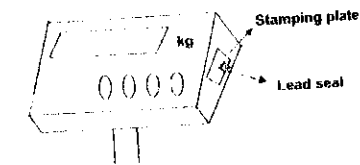
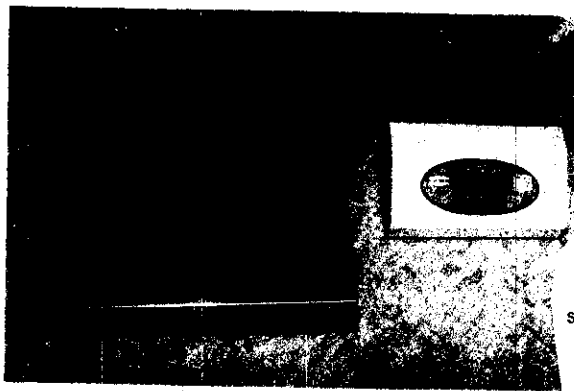
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2331.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रकाश ट्रेडर्स, 89, कबाड़ी बाजार, मेरठ सिटी-250002, उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता III) वाले “पीटीपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “एंकर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/390 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अंतराल 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



(Indicator of the Platform Scale-Front Side)



(Indicator of the platform Scale- Lower back Side)

आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(242)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2331.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class -III) of Series "PTP" and with brand name "ANCHOR" (hereinafter referred to as the said Model), manufactured by M/s. Prakash Traders, 89, Kabari Bazar, Merrut City-250002, Uttar Pradesh and which is assigned the approval mark IND/09/10/390;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 200kg. and minimum capacity of 400 g. The verification scale interval (e) is 20g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

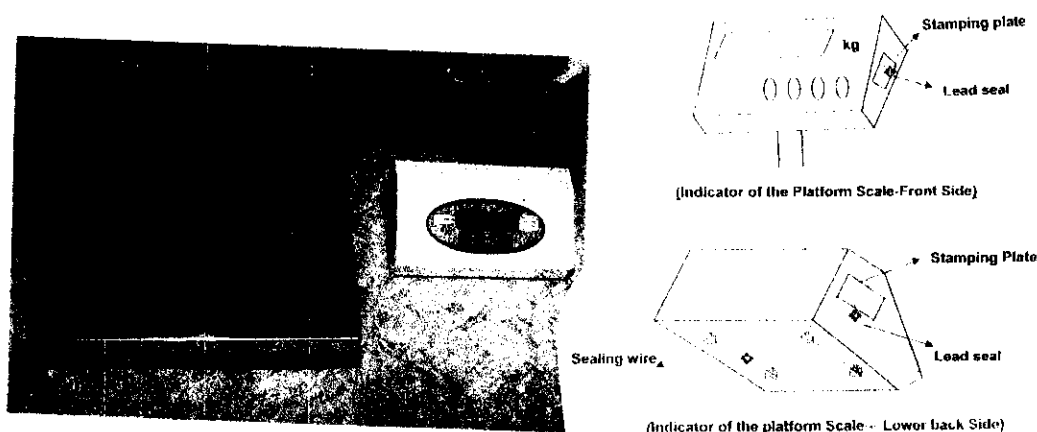


Figure-2 Schematic Diagram of sealing provision of the Model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21(242)/2010]

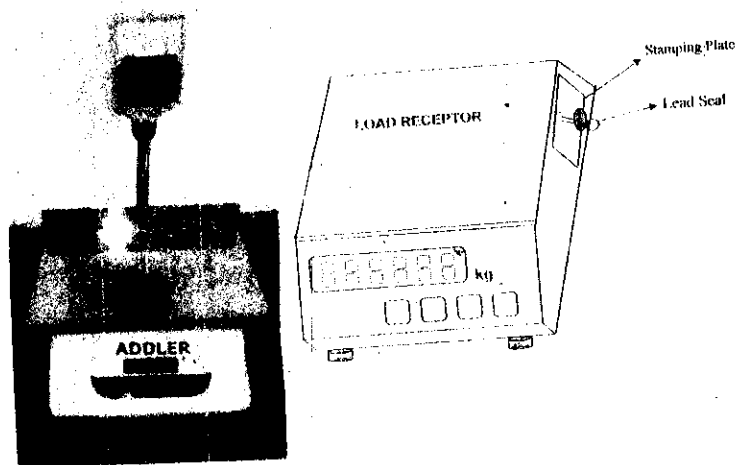
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2332.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स एडलर वेइंग सिस्टमस, एम सी एफ-5862, संजय कालोनी, सेक्टर-23, फरीदाबाद- 121005 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एडब्ल्यूएसटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “एडलर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/258 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैक साइड में सीलिंग की गई है। डिस्पले की बेस प्लेट और टॉप कवर के छेद से सील को जोड़ा गया है तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 1,00,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 1,00,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(158)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2332.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class -II) of Series "AWST" and with brand name "ADDLER" (hereinafter referred to as the said Model), manufactured by M/s. Addler Weighing Systems, MCF-5862, Sanjay Colony, Sector-23, Faridabad 121005 and which is assigned the approval mark IND/09/10/258;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts or 50 Hertz alternative current power supply.

Figure-1

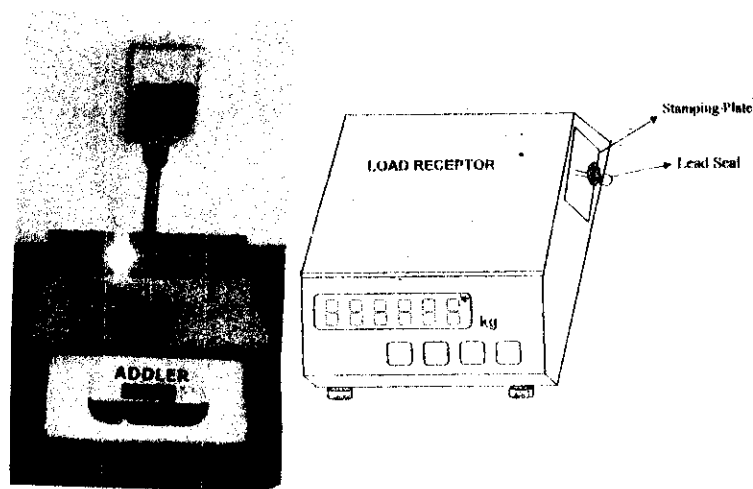


Figure-2— Schematic Diagram of sealing provision of the Model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 1,00,000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 1,00,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(158)/2010]

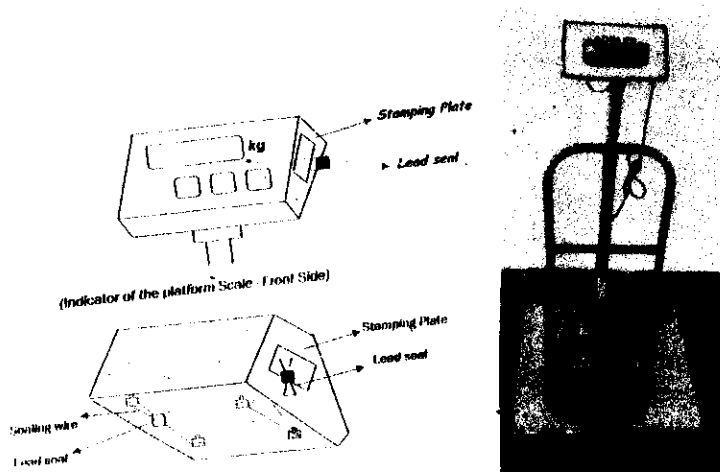
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल 2011

का.आ. 2333.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एडलर वेइंग सिस्टम्स, एम सी एफ-5862, संजय कालोनी, सेक्टर-23, फरीदाबाद-121005 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एडब्ल्यूएसपी” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “एडलर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/259 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 200 कि. ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैक साइड में सीलिंग की गई है। डिस्पले की बेस प्लेट और टाप कवर के छेद से सील को जोड़ा गया है, तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(158)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2333.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class -III) of series "AWSP" and with brand name "ADDLER" (hereinafter referred to as the said model), manufactured by M/s. Addler Weighing Systems, MCF-5862, Sanjay Colony, Sector-23, Faridabad-121005 and which is assigned the approval mark IND/09/10/259;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 200 kg. and minimum capacity of 1 kg. The verification scale interval (e) is 50 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

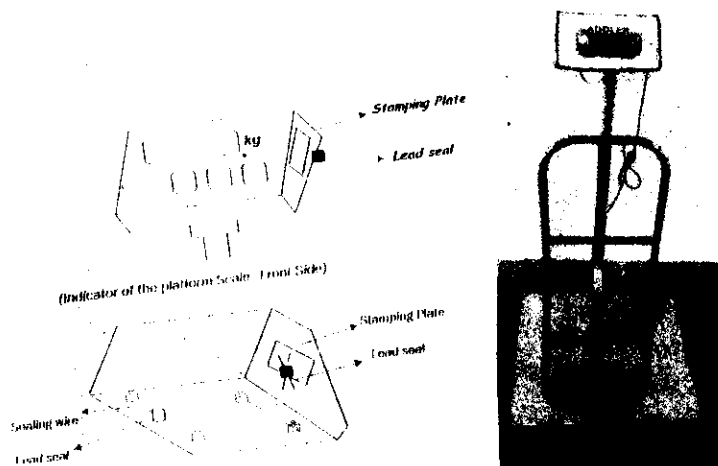


Figure-2—Schematic Diagram of sealing provision of the model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg. and 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21/(158)/2010]

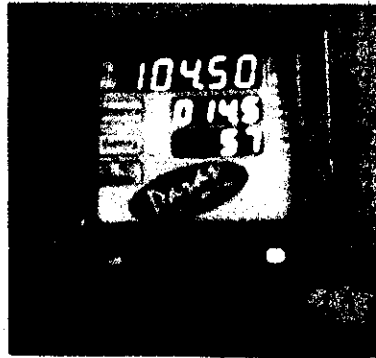
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल 2011

का.आ. 2334.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पारस टेक्नोलॉजी, नं. 14, 14वां 'बी' क्रास, साराक्की विलेज, जे पी नगर, प्रथम फेज, बंगलूर 560078 द्वारा विनिर्मित "एमएस-1132" शृंखला के अंकक सूचन सहित "टैक्सी/आटो मीटर" (फ्लेग टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "पारस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/449 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल "टैक्सी/आटो मीटर" (फ्लेग टाइप) मापन उपकरण है। जो लगातार योग करता जाता है और यात्री द्वारा देय भाड़े को यात्रा के दौरान किसी भी समय दर्शाता है। सार्वजनिक वाहन के यात्रियों द्वारा देय भाड़ा, तय की गई दूरी और निर्धारित स्पीड से कम पर व्यतीत किए गए समय का फलन है जो प्राधिकृत शुल्क के अनुसार अनुपूरक भाड़े से स्वतन्त्र है। मीटर की रीडिंग प्रकाश उत्सर्जक डायोड (एल ई डी) द्वारा दर्शायी जाती है। टैक्सी मीटर का 'के' फेक्टर 1350 प्लसेस प्रति किलोमीटर पर चलता है। इंडीकेटर में 5 अंकों (3 तीन अंक रुपए के लिए और 2 अंक पैसे के लिए) तक अधिकतम किराया सूचन, 4 अंकों (4 अंकों में एक दशमलव प्वाइंट शामिल) में अधिकतम दूरी सूचन और 4 अंकों में (2 अंक मिनट के लिए और 2 अंक सेकैण्ड के लिए) अधिकतम समय सूचन दर्शाता है।



आकृति-2 मॉडल के सीलिंग प्रावधान का सीलिंग डायग्राम

सील और स्ट्याम्प के सत्यापन के लिए दिए गए दो स्कू होल्ज वाले में से लीडिड वायर निकाल मीटर की रियर बाटम साइड में सीलिंग की जाती है सील से छेड़छाड़ किए बिना मीटर को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

[फा. सं. डब्ल्यू एम-21(269)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2334.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of “Taxi/Auto Meter” (Flag Type) with digital indication (hereinafter referred to as the said model) of “MS-1132” series and with brand name “PARAS” manufactured by M/s Paras Technology, No. 14, 14th ‘B’ Cross, Sarakki Village, J. P. Nagar, 1st Phase, Bangalore-560078 and which is assigned the approval mark IND/09/10/449;

The said model of “Taxi/Auto Meter” (Flag Type) is a measuring instrument which totalizes continuously and indicates the fare at any moment of journey the charges payable by the passenger of a public vehicle as function of the distance traveled and below a certain speed, the fare is calculated as function of the time taken. This being independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by the Light Emitting Diode (LED). The ‘k’ factor of the Taxi Meter is 1350 pulses per kilometer. The indicator have 5 digits (3 digits for rupees and two digits for paise) for maximum fare indication, 4 digits (4 digits including one decimal point) for maximum distance indication and 4 digits (two for minutes and two for seconds) for maximum time indication.



Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the rear bottom side of the meter, two screws with holes are provided through which the leaded wire will be passed to receive the verification seal and stamp. The meter cannot be opened without tampering the seal. A schematic diagram of sealing provision of the model is given above.

[F.No.WM-21/(269)/2010]

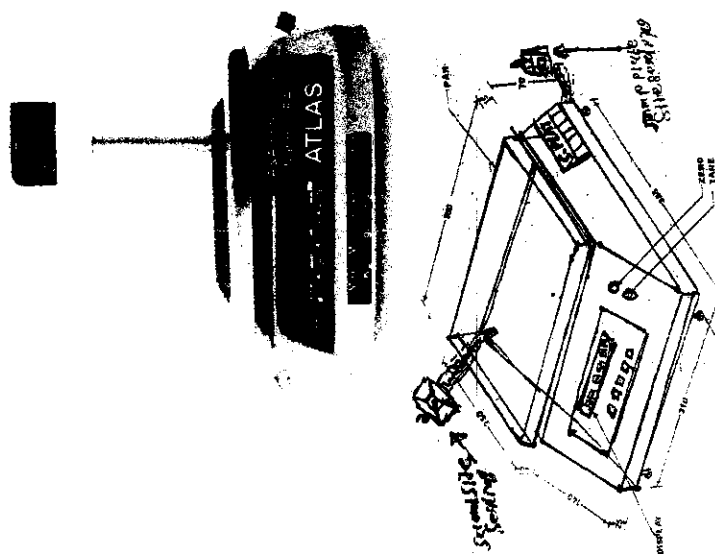
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल 2011

का.आ. 2335.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स ए एंड ए इंटरप्राइज, मार्फत अनिल महेश्वरी, गांव नंदला, वाया नसीराबाद, जिला अजमेर-305401 (राजस्थान) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एएम-टी III" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "एटलस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/96 समन्वैशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्कूल की बाड़ी में होल से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(17)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2335.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication, belonging to Medium Accuracy (Accuracy class -III) of series "AM-TIII" and with brand name "ATLAS" (hereinafter referred to as the said model), manufactured by M/s A&A Enterprise, C/o Anil Maheswari, Village-Nandla, Via Nasirabad, Dist. Ajmer-305401 (Rajasthan) which is assigned the approval mark IND/09/10/96;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

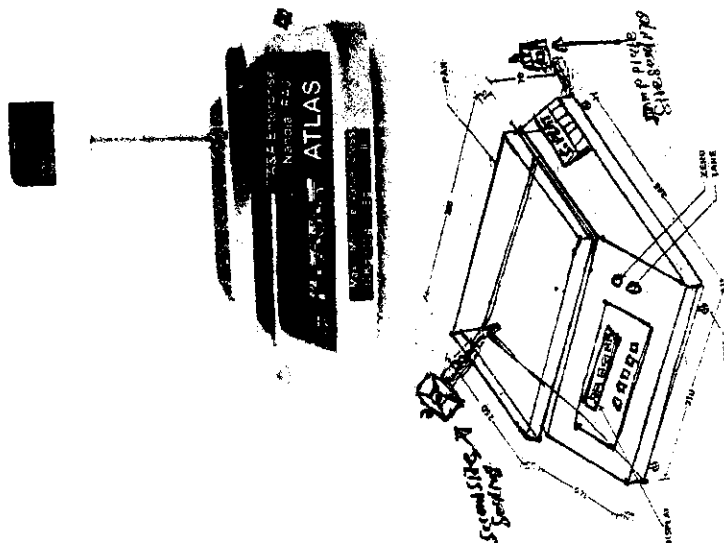


Figure-2 Schematic Diagram of sealing of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy, performance and of the same series with maximum capacity up to 50kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the said manufacturer in accordance with the same principle, design and materials with which, the approved model has been manufactured.

[F.No.WM-21/(17)/2010]

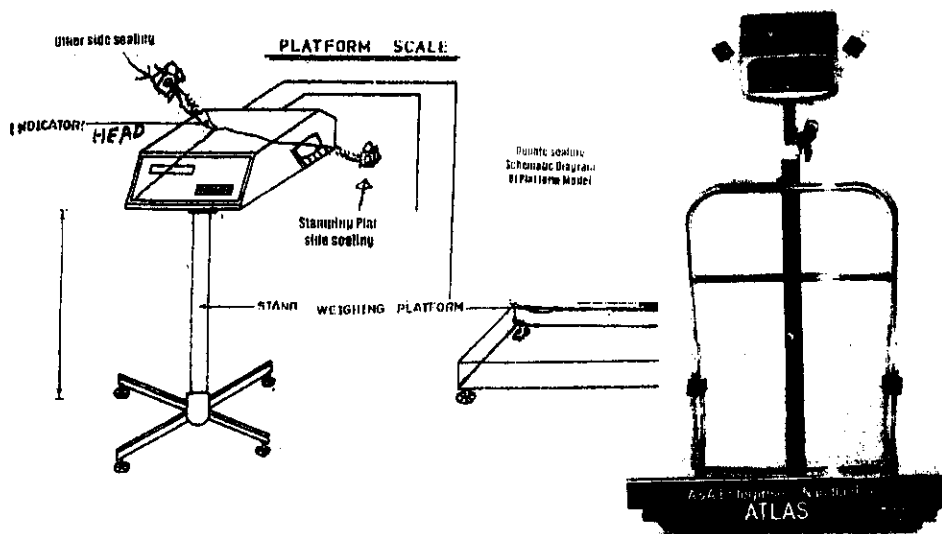
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल 2011

क्र.आ. 2336.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स ए एंड ए इंटरप्राइज, मार्फत अनिल महेश्वरी, गांव नंदला, वाया नसीराबाद, जिला अजमेर-305401 (राजस्थान) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एएम-पी III” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “एटलस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/97 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले के राइट साइड/बैक साइड में सीलिंग की गई है। डिस्प्ले की बेस प्लेट और टाप कवर के छेद से सील को जोड़ा गया है, तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(17)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2336.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication, Medium Accuracy (Accuracy class -III) of series "AM-PIII" and with brand name "ATLAS" (hereinafter referred to as the said model), manufactured by M/s A&A Enterprise, C/o Anil Maheswari, Village-Nandla, Via Nasirabad, Dist. Ajmer-305401 (Rajasthan) which is assigned the approval mark IND/09/10/97;

The said model is a strain gauge type load cell based non-automatic weighing instrument (platform type) with a maximum capacity of 1000 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

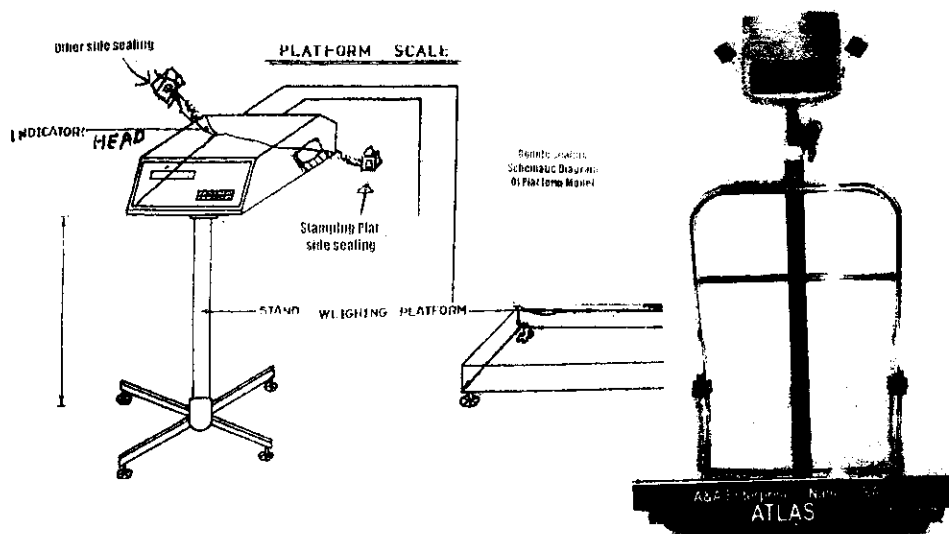


Figure-2 Schematic diagram of sealing provision of the model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance and the same series with maximum capacity above 50kg. up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21/(17)/2010]

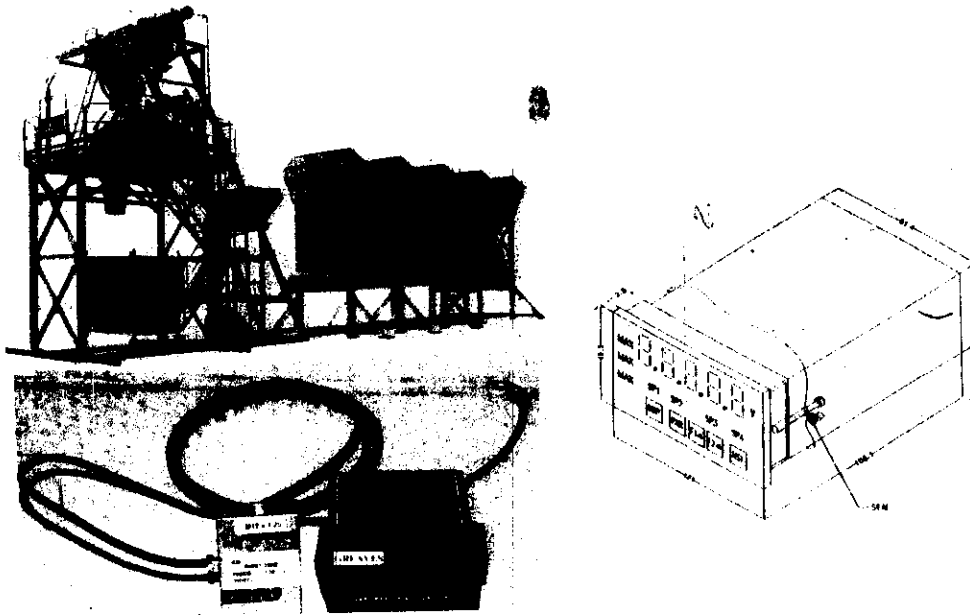
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल 2011

का.आ. 2337.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह सम्झना हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की सम्झना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ग्रीक्स कॉटन लिमिटेड, हैवी इंजीनियरिंग यूनिट, डी-18, सिपकॉट इंडस्ट्रियल कॉम्प्लेक्स मुम्बई पोस्ट-601201 द्वारा विनिर्मित यथार्थता वर्ग-I वाले "जीपीएम-1000" शृंखला के डिस्कॉटिन्युअस टोटलाइजिंग स्वचालित तोलन उपकरण (टोटलाइजिंग हुपर व्हीयर) अंकक सूचन सहित, के मॉडल का, जिसके ब्राण्ड का नाम "ग्रीक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/356 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित डिस्कॉटिन्युअस टोटलाइजिंग स्वचालित तोलन उपकरण (टोटलाइजिंग हुपर व्हीयर) है। इसकी अधिकतम क्षमता 2500 कि.ग्रा. और न्यूनतम क्षमता 200 कि.ग्रा. है। मापमान अन्तराल (डी) 1 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। एल ई डी तोल परिणाम सूचित करता है। उपकरण 3 फेज एसी 415वी और 50 हर्ट्ज -50 केडब्ल्यू पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

सीलिंग के लिए वेइंग स्केल के बायीं तरफ में, आउटर कवर और तल प्लेट में काट कर दो छेद किए गए हैं और इन दोनों छेदों को स्टाम्प और सीलिंग के सत्यापन लीड वायर से कसा गया है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला 60एम³/घंटा का 1एम³ प्लांट साइज जिसकी अधिकतम क्षमता 60 टन तक है उसी बनावट, शुद्धता और निष्पादन के तोलन उपकरण भी शामिल होंगे जिसके उक्त अनुमोदित मॉडल हैं।

[फा. सं. डब्ल्यू एम-21(227)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2337.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of Discontinuous Totalizing Automatic weighing instrument (Totalizing Hopper Weigher) with digital indication of Accuracy class -1 of series "GPM-1000" and with brand name "GREAVES" (hereinafter referred to as the said Model), manufactured by M/s. Greaves Cotton Limited, Heavy Engineering Unit, D-18, Sipcot Industrial Complex, Gummidipoondi-601201 and which is assigned the approval mark IND/09/10/356;

The said model is a strain gauge type load cell based Discontinuous Totalizing Automatic weighing instrument (Totalizing Hopper Weigher) with a maximum capacity of 2500 kg. and minimum capacity of 200kg. The scale interval (d) is 1kg. It has a tare device with a 100 per cent subtractive retained tare effect. The LED display indicates the weighing results. The instrument operates on 3 phase AC 415V & 50 HZ-50KW.

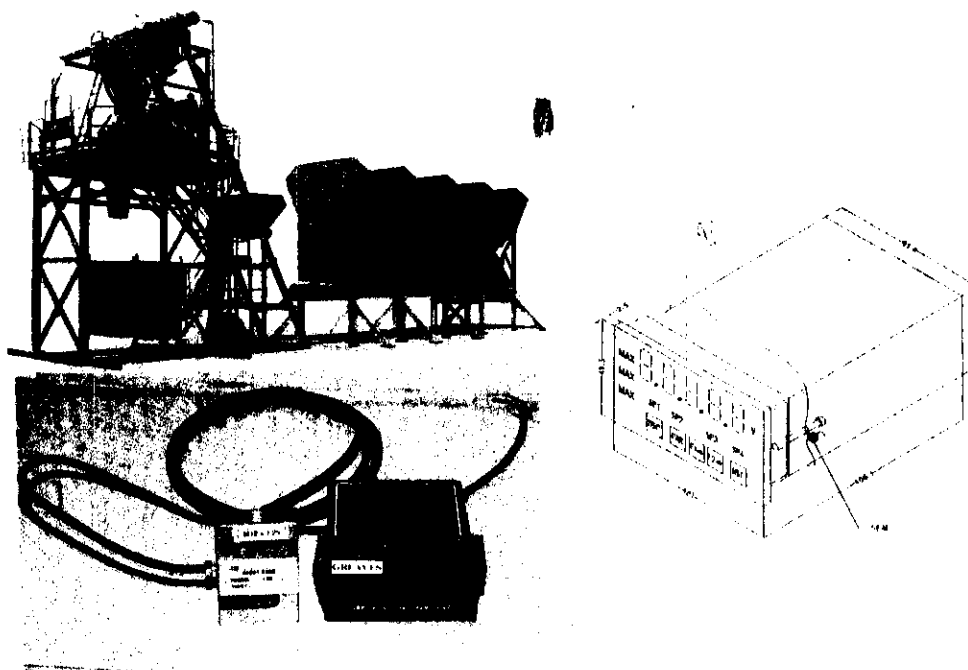


Figure-2 sealing diagram

Sealing is done from left side of the indicator, two holes are made by cutting the outer cover and base plate and fastened by a leaded wire through these two holes for receiving the verification stamp and seal. The indicator cannot be opened without tempering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance and the same series with 60m³/hr of 1m³ plant size with maximum capacities of up to 60 tonne manufactured by the same manufacturer in accordance with the same principle design and material with which, the said approved model has been manufactured.

[F.No.WM-21(227)/2010]

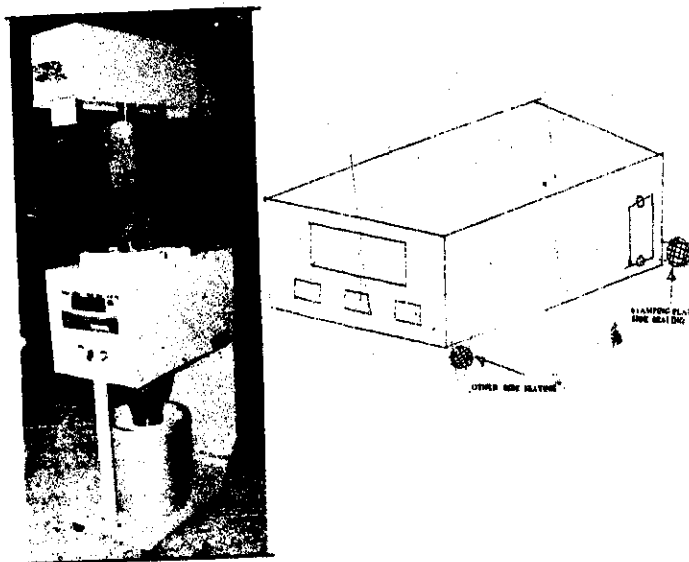
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2338.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स पेडसन्स इंस्ट्रुमेंट्स प्रा. लि., मंगलदास मार्किट, अकोला-444001 (महा.) द्वारा विनिर्मित यथार्थता वर्ग X(1) वाले "अविष्कार" शृंखला के स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण डिजिटल टाइप के मॉडल का, जिसके ब्राण्ड का नाम "पेडसन्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/39 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण डिजिटल टाइप है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. सहित उत्पाद की मात्रा और प्रकार पर आधारित फिल्सरेट 10 पैकेट प्रति मिनट है। मशीन को फ्री फ्लोइंग, नॉन स्टिकी, नॉन डस्टी उत्पाद आदि भरने के लिए डिजाइन किया गया है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—सीलिंग प्रावधान का योजनाबद्ध डायग्राम

डिस्प्ले पर सीलिंग की गई है, स्कू के साथ स्टाम्पिंग प्लेट को लगाया गया है और सीलिंग वायर बाड़ी में से निकाल कर स्टाम्पिंग के लिए सील से जोड़ा गया है। सील तोड़े बिना इंडीकेटर को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भा दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्रा. से 300 कि.ग्रा. तक की रेंज में होंगे।

[फा. सं. डब्ल्यू एम-21(40)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2338.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling Instrument belonging to Accuracy Class X (1) of series "AVISHKAR" and with brand name "PADSONS" (hereinafter referred to as the said model), manufactured by M/s. Padsons Instruments Pvt. Ltd., Mangaldas Market, Akola-444001 (Mah.) and which is assigned the approval mark IND/09/09/39;

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument. It has with a maximum capacity of 30 kg. and minimum capacity of 1kg. a frequency of weighing 10 packs per minute depending upon the quantity and nature of the product. The machine is designed for filling the free flowing non-sticky, non-dusty products. The Liquid Crystal Display (LCD) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

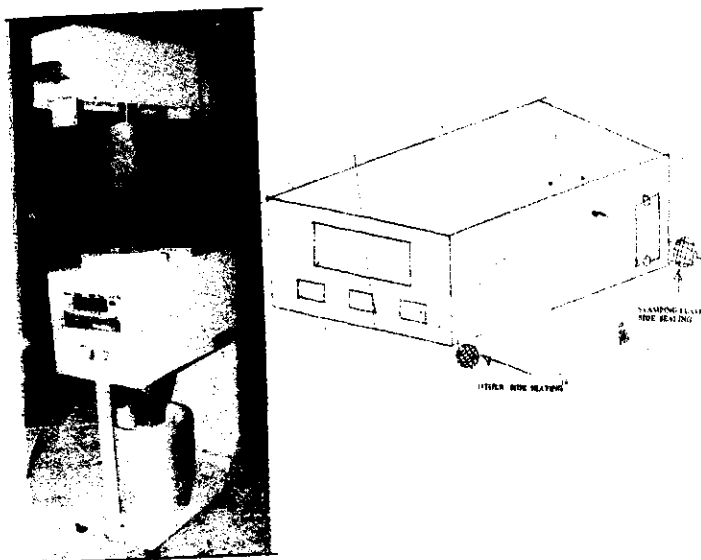


Figure-2—Sealing diagram of the sealing provision of the model

Sealing is done on the display stamping plate is fitted with screw and sealing wires passed through body and connected to the seal for stamping. The indicator cannot be opened without breaking the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with capacity from 100g. to 300 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No.WM-21/(40)/2010]

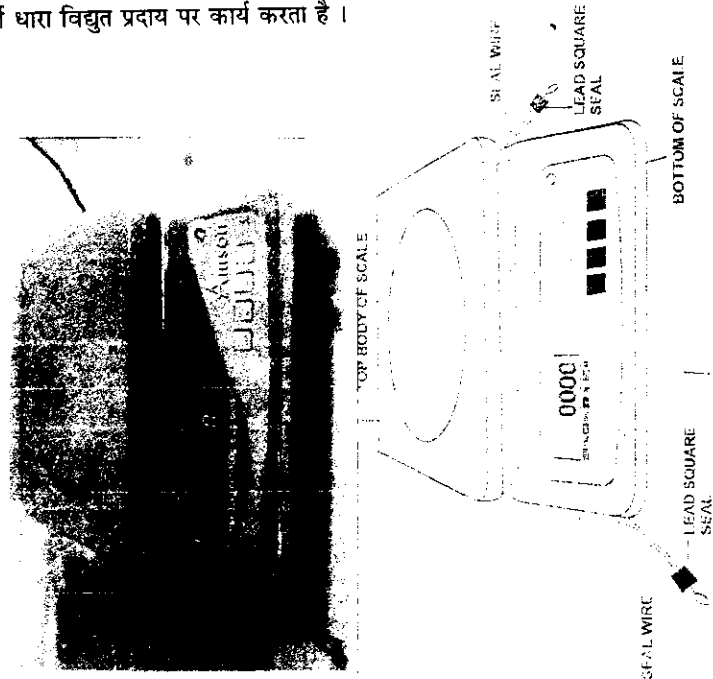
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2339.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एमसन इलेक्ट्रॉनिक्स, ए-42/26, गुरुद्वारा रोड, दिलशाद गार्डन इंडस्ट्रियल एरिया, शाहदरा, दिल्ली-110094 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “ईटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “एमसन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/80 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

बाटम प्लेट, टॉप कवर और स्टाम्पिंग प्लेट के हैड होल्स में से सील वायर निकाला गया है। दूसरे उदाहरण में साइड कवर और बाटम प्लेट के छेदों में से वायर निकाला गया और बायीं तरफ सील किया गया। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$, या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(75)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2339.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class -II) of series "AET" and with brand name "AMSON" (hereinafter referred to as the said model), manufactured by M/s. Amson Electronics, A-42/26, Gurudawara Road, Dilshad Garden Industrial Area, Shahdara, Delhi-110094 and which is assigned the approval mark IND/09/10/80;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

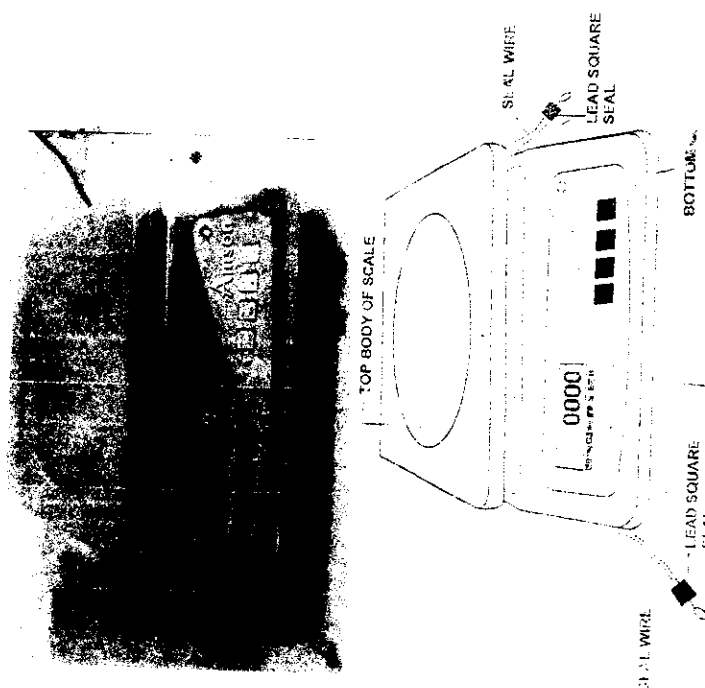


Figure-2—Schematic diagram of sealing provision of the model

Seal wire passes through head holes of bottom plate, top cover and stamping plate. In the second instance, wire is passed through the holes in the side cover and bottom plate and then sealed at left side. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance and the same series with maximum capacity above 50kg. and with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with number or verification scale interval(n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21/(75)/2010]

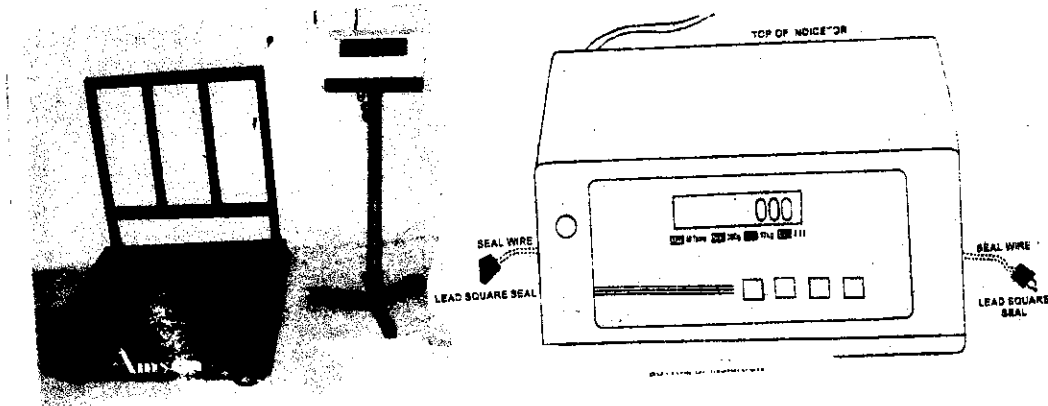
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2340.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एमसन इलेक्ट्रॉनिक्स, ए-42/26, गुरुद्वारा रोड, दिलशाद गार्डन इंडस्ट्रियल एरिया, शाहदरा, दिल्ली-110094 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ईपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "एमसन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/81 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

बाटम प्लेट, टॉप कवर और स्टाम्पिंग प्लेट के हैड होल्स में से सील वायर निकाला गया है। दूसरे उदाहरण में साइड कवर और बाटम प्लेट के छेदों में से वायर निकाला गया और बायीं तरफ सील किया गया। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यक्षमता के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(75)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2340.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication, Medium Accuracy (Accuracy class-III) of series "AEP" and with brand name "AMSON" (hereinafter referred to as the said model), manufactured by M/s. Amson Electronics, A-42/26, Gurudawara Road, Dilshad Garden Industrial Area, Shahdara, Delhi-110094 and which is assigned the approval mark IND/09/10/81;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

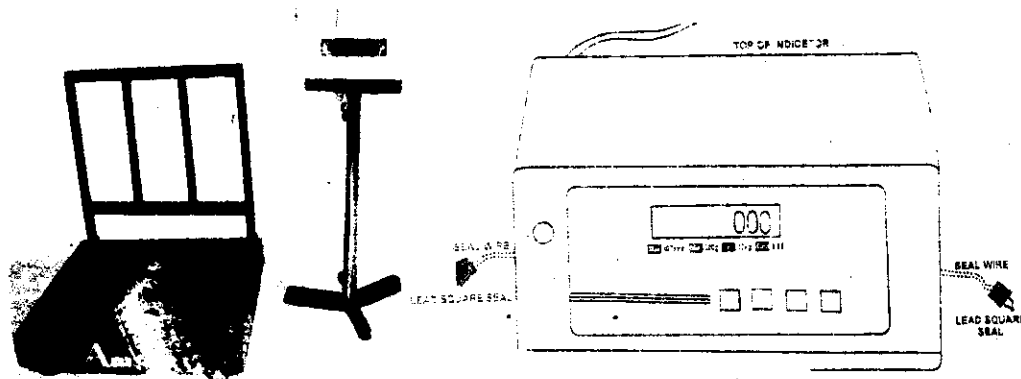


Figure-2—Schematic diagram of sealing provision of the model

Seal wire passes through head holes of bottom plate, top cover and stamping plate. In the second instance, wire is passed through the holes in the side cover and bottom plate and then sealed at left side. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50kg. up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No.WM-21/(75)/2010]

B. N. DIXIT, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 18 अगस्त, 2011

का.आ. 2341.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आईएसओ 835 : 2007 प्रयोगशाला हेतु कांच का सामान अंशांकित पिपेट	—	31 दिसम्बर, 2010

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 10/आईएस/आईएसओ 835]
ई देवेन्द्र, वैज्ञानिक 'एफ' एवं प्रमुख (रसायन)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 18th August, 2011

S. O. 2341.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS/ISO 835 : 2007 Laboratory Glassware- Graduated Pipettes	—	31 December, 2010

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: CHD 10/IS/ISO 835]

E. DEVENDAR, Scientist 'F' & Head (Chemical)

नई दिल्ली, 24 अगस्त, 2011

का.आ. 2342.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची			
क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आई एस ओ 10001 : 2007 गुणता प्रबन्धन - उपभोक्ता संतुष्टि - संगठनों के लिए आचरण संहिता की मार्गदर्शिका	—	28 फरवरी, 2011
2.	आई एस/आई एस ओ 10003 : 2007 गुणता प्रबन्धन - उपभोक्ता संतुष्टि - संगठनों के बाहर विवादों को हल करने के दिशा-निर्देश	—	28 फरवरी, 2011
3.	आई एस/आई एस ओ 9004 : 2009 संगठन की सतत सफलता का अनुरक्षण गुणता प्रबंध दृष्टिकोण (छठा पुनरीक्षण)	आई एस/आई एस ओ 9004 : 2000	30 मई, 2010
4.	आई एस/आई एस ओ/टी एस 16949 : 2009 गुणता प्रबंध पद्धति -स्वचल उत्पादन तथा तत्संबंधी सर्विस क्षेत्र संगठनों के लिए आई एस ओ 9001 : 2008 के अनुप्रयोग की विशेष अपेक्षाएं (दूसरा पुनरीक्षण)	आई एस/आई एस ओ/टी एस 16949 : 2000	30 मई, 2010

इन मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम एस डी/जी-8 अधिसूचना]

निर्मल कुमार पाल, वैज्ञानिक 'एफ' एवं प्रमुख (प्रबन्ध एवं तंत्र विभाग)

New Delhi, the 24th August, 2011

S. O. 2342.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS/ISO 10001: 2007 Quality management - Customer satisfaction—Guidelines for codes of conduct for organizations	—	28 February, 2011
2.	IS/ISO 10003 : 2007 Quality management - Customer satisfaction —Guidelines for dispute resolution external to organizations	—	28 February, 2011
3.	IS/ISO 9004 : 2009 Managing for the sustained success of an organization— A quality management approach (Sixth Revision)	IS/ISO 9004 : 2000	30 May, 2010

(1)	(2)	(3)	(4)
4.	IS/ISO/TS 16949:2009 Quality management systems - Particular requirements for the application of ISO 9001:2008 for automotive production and relevant service part organizations (Second Revision)	IS/ISO/TS 16949:2000	30 May, 2010

Copies of above Standard are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices : at Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices at : Ahmedabad, Bengaluru, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

Date : 24 August 2011

[Ref : MSD/G-8 Notification]

NIRMAL KUMAR PAL, Scientist 'F' & Head (Management & Systems Department)

नई दिल्ली, 24 अगस्त, 2011

का.आ. 2343.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनुभाग	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3721859	5-7-2011	मैसर्स यशराज इंडस्ट्रीज, प्लॉट नं. 32ए, बी यू भंडारी इंड. इस्टेट, ए/पी सनसवाडी, तालुका शिरूर, जिला पुणे महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	—	—	2004
2.	3741562	11-7-2011	मैसर्स पूना सीमेंट प्रा. लि., स. नं. 16/4/1/1, शेड नं. 2, मंगडेवाडी, गूजरवाडी, तालुका हवेली, जिला पुणे-411046 महाराष्ट्र ।	43 ग्रेड सामान्य पोर्टलैंड सीमेंट	8112	—	—	1989
3.	3742160	14-7-2011	मैसर्स साई केबल इंडस्ट्रीज, प्लॉट नं. बी-17/1बी, ओल्ड एमआईडीसी जिला सातारा, महाराष्ट्र ।	1100 वोल्ट तक और सहित कार्यकारिता बोल्टेज के लिए पीवीसी रोधित केबल्स	694	—	—	1990
4.	3742665	12-7-2011	मैसर्स द कोहिनूर तारपोलिन इंडस्ट्रीज, 10/11, वाई पी पोवारनगर, जिला कोल्हापुर-416012 महाराष्ट्र ।	कॉमन पूफड केनवास/ डक और पोलिन्स (तारपोलिस)	2089	—	—	1977
5.	3743061	14-7-2011	मैसर्स सपना एगो इंडस्ट्रीज, एच एन 68-1-ए, वा. नं. 6, गांधी मार्केट, ए/पी एवं तालुका परली वैजनाथ, जिला बीड-431515 महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	—	—	2004

[सं. सी. एम. डी. 13:11]

बी. एम. हनीफ, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 24th August, 2011

S.O. 2343.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3721859	5-7-2011	M/s. Yashraj Industries Plot No. 32A, B.U. Bhandari Indl. Estate, A/P Sanaswadi, Taluka Shirur, District Pune, Maharashtra	Packaged drinking water (Other than packaged natural mineral water)	14543	-	-	2004
2.	3741562	11-7-2011	M/s. Poona Cement Pvt. Ltd. S. No. 16/4/1/1, Shade No. 2, Mangdewadi, Gujarwadi, Taluka Haveli, District Pune-411046, Maharashtra	43 Grade ordinary - portland cement	5112	-	-	1989
3.	3742160	14-7-2011	M/s. Sai Cable Industries, Plot No. B-17/1B, Old MIDC, District Satara, Maharashtra	PVC insulated cables for working voltage upto and including 1100 V	1144	-	-	1990
4.	3742665	12-7-2011	M/s. The Kohinoor Tarpaulin Industries 10/11, Y.P. Powarnagar, District Kolhapur-416012 Maharashtra	Copmmone proofed canvas/duck and paulins (tarpaulins)	2089	-	-	1977
5.	3743061	14-7-2011	M/s. Sapna Agro Industries H. No. 68-1-A, W. No. 6, Gandhi Market, A/P & Taluka Parli Vaijnath, District Beed-431515 Maharashtra	Packaged drinking water (Other than packaged natural mineral water)	14543	-	-	2004

[Ref: CMD/13:11]

B. M. HANEEF, Scientist 'F' & Head

नई दिल्ली, 24 अगस्त, 2011

का.आ. 2344.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्र. सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	7904079	मैसर्स सॉफ्टग्रिप पावर सलूशंस प्रा. लि. प्लॉट नं. 57/8, सेक्टर 10, पीसीएनटीडीए, प्राधिकरण, भोसरी, जिला पुणे-411026, महाराष्ट्र	एसी स्टेटिक वॉटहॉर मीटर्स, श्रेणी 1 और 2	27-5-2011

[सं. सी एम डी 13:13]

बी. एम. हनीफ, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 24th August, 2011

S.O. 2344.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licence No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	7904079	M/s softgrip Power Solutions Pvt. Ltd Plot No. 57/8, Sector 10, PCNTDA, Pradhikaran, Bhosari, Pune-411026 Maharashtra	Ac static watt-hour meters, class 1 and 2	27-5-2011

[No. CMD/13:13]

B. M. HANEEF, Scientist 'F' & Head

नई दिल्ली, 24 अगस्त, 2011

का.आ. 2345.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के संशोधनों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

अनुसूची

क्रम सं.	स्थापित भारतीय मानक के संशोधनों की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	संशोधन संख्या 2-आई एस 9873 (भाग 3) : 1999/आई एस ओ 8124-3:1997 खिलौनों की सुरक्षा हेतु अपेक्षाएं भाग 3 कुछ तत्वों का स्थानान्तरण - (पहला पुनरीक्षण)	कुछ नहीं	अगस्त 2011
2.	संशोधन संख्या 3-आई एस 9873 (भाग 3) : 1999/आई एस ओ 8124-3:1997 खिलौनों की सुरक्षा हेतु अपेक्षाएं भाग 3 कुछ तत्वों का स्थानान्तरण - (पहला पुनरीक्षण)	कुछ नहीं	अगस्त 2011

इस भारतीय संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : पीसीडी/जी-7(गजट)]

पी. के. गम्भीर, वैज्ञानिक 'जी' (तकनीकी)

New Delhi, the 24th August, 2011

S. O. 2345.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Amendments to Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and year and Title of the Amendment Established	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	Amendment No. 2 to IS 9873 (Part 3) : 1999/ISO 8124-3:1997 Safety requirement for toys Part 2 Migration of certain elements (First Revision)	None	August 2011
2.	Amendment No. 3 to IS 9873 (Part 3) : 1999/ISO 8124-3:1997 Safety requirements for toys Part 2 Migration of certain elements (First Revision)	None	August 2011

Copies of these Amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref : PCD/G-7 (Gazette)]

P. K. GAMBHIR, Scientist 'G' (Technical)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION No. 79 of 2007

Consumer Welfare Association and Anr.

... Petitioners.

Vs.

Union of India and Ors.

... Respondents.

Mr. Rajiv Chavan with Rutuja Ambekar for Petitioners.

Mr. Mandar Goswami for Union of India.

Mr. Sumit Moholkar i/by Roy's Law Firm for Respondent No. 4.

Mr. Milan Bhise for Intervener.

Coram : Mohit S. Shah, C. J. and D. G. Karnik, J.

Thursday, 24th March, 2011

PC :

The Bureau of Indian Standard shall issue necessary notification regarding the phthalates in the materials specified under IS 9873 (Part-3) as expeditiously as possible and preferably by 30th June, 2011 and thereafter, the Union of India, Ministry of Commerce and Industry, Department of Industrial Policy and Promotion shall issue the necessary notification making the standard mandatory within two months thereafter.

2. Public Interest Litigation is accordingly, disposed of in terms of the above directions.

**CHIEF JUSTICE
D. G. KARNIK, J.**

नई दिल्ली, 26 अगस्त, 2011

का.आ. 2346.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भामा सं.	भाग	खंड	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7927697	06/4/2009	गहना क्रिएशन इंडिया प्रा. लि. 413/414, पारेख मार्केट केनेडी पुल के सामने, ऑपेरा हाउस, मुंबई, महाराष्ट्र-425 003	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
2.	7930686	09/4/2009	अंता ज्वेलर्स फ्रान्सिस्को ल्मेयोला रोड, शूप संख्या 74, उत्तर गोवा, मारगोवा, गोवा-403 601	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
3.	7940689	27/4/2009	तुलसी एक्सट्रेशन लि. एन-99, 100 और 108, एमआयडीसी एरिया, जलगांव, महाराष्ट्र-425 003	जल आपूर्ति के लिए विलायक सिमेंट सहित इंजेक्शन मोल्डित पीवीसी फिटिंग	7834	I		1987
4.	7940790	05/5/2009	श्रीबालाजी ज्वेलर्स बी/1212, ओम बालाजी दर्शन बिल्डिंग, नया गोल्डन नेस्ट रोड, स्किंग के नजदीक, थाने, भाईदर-पूर्व, महाराष्ट्र-401 105	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
5.	7947808	05/5/2009	वी जी एन ज्वेलर्स सृष्टी हाउस, पहली मंजिल, शॉप संख्या 1, एन एस रोड, मुलुण्ड-पूर्व, महाराष्ट्र-400 080	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
6.	7940891	05/4/2009	साईपेसा ज्वेलर्स ख मार्केट, 39, केनेडी पुल, ऑपेरा हाउस, महाराष्ट्र-400 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
7.	7940891	05/5/2009	साई ज्वेलर्स शॉप संख्या 2, ओम दिप्ती को.ऑ. सोसायटी लि., श्रद्धानंद रोड, विलेपार्ले-पूर्व, महाराष्ट्र-400 057	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	7941085	05/5/2009	मंथन ज्वेलर्स शॉप संख्या 5, रोमक आर्कड, गोखले रोड, नौपाडा, थाणे- पश्चिम, महाराष्ट्र-400 602	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
9.	7940487	08/5/2009	त्रिवेणी बैलिती इण्डस्ट्रीज प्रा. लि., 231, खर्डी, पोस्ट गोलबन, तालुका-शहापुर, थाणे, खर्डी, महाराष्ट्र-421 301	पिटिंग एल्युमिनियम के बर्तन भाग I-कूकिंग टेबल, सर्विंग, भंडारण व बेकिंग के बर्तन	1660	1		1982
10.	7942491	11/5/2009	दी ललित जेम्स को., 117, पंचरत्ना, पहली मंजिल, ऑपेरा हाउस, मुंबई, महाराष्ट्र-400 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
11.	7942794	11/5/2000	एस. के. सेठ कं., ज्वेलर्स 226/230, गिरीराज बिल्डिंग, शॉप संख्या 204, दूसरी मंजिल, शेख मेमन रस्ता, झवेरी बाजार, मुंबई-400 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
12.	7942390	12/5/2009	देश वायर प्रोडक्ट्स प्रा. लि., 34, केब्रोस इण्डस्ट्रीयल इस्टेट, भाण्डूप सोनपुर रोड, एलबीएस मार्ग, भाण्डूप पश्चिम, महाराष्ट्र-400 078	लिफ्टों, एलिक्टरसें और उत्तोलकों के लिए इस्पात तार झूला रस्सियां	2365			1977
13.	7942895	14/5/2009	हर्ष एन्टरप्राइजेज गाला, संख्या 10/411, मदनी इस्टेट, एम जी लिंक रोड, सोनपुर, भाण्डूप-पश्चिम, महाराष्ट्र-400 078	पिटिंग एल्युमिनियम के बर्तन भाग I-कूकिंग टेबल, सर्विंग, भंडारण व बेकिंग के बर्तन	1660	1		1982
14.	7942996	15/5/2009	रय्या ज्वेलर्स यूनिट संख्या 11/11-ए, 80/88, डी एल मार्ग, हकोबा मिल्स के सामने, काला चौकी, मुंबई, महाराष्ट्र-400 033	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
15.	7943901	18/5/2009	शिवेक ज्वेलर्स शिव सेन्टर को.ऑ. सोसायटी, सेक्टर 17, शॉप संख्या 32/47, वाशी, नवी मुंबई, महाराष्ट्र-400 705	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
16.	7943089	18/5/2009	देश वायर प्रोडक्ट्स प्रा.लि., 34, केब्रोस इण्डस्ट्रीयल इस्टेट, भाण्डूप सोनपुर रोड, एलबीएस मार्ग, भाण्डूप पश्चिम, महाराष्ट्र-400 078	पोत परिवहन प्रयोजनों के लिए गोल लड जस्तीकृत इस्पात तार रस्सियां	2581			2002

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
17.	7945194	25/5/2009	असोसिएट ट्रान्सरिल लि., 103/104, कृष्णा टावर, होटल विराज बिल्डिंग, पीडब्ल्यूडी ऑफिस के सामने, सेली रो, सिलवासा, दादरा और नगर हवेली-396 230	शिरोपरि प्रेषण उद्देश्यों के लिए ऐल्युमिनियम चालक-विशिष्ट भाग 5 अतिरिक्त उच्च वोल्टता 400 किं.वो और अधिक के लिए जस्तीकृत इस्पात प्रबलित ऐल्युमिनियम के चालक	398	5		1992
18.	7948305	05/6/2009	हेमी हैक्साईट ज्वेलरी पृथ्वी हाउस, पांचवीं मंजिल, जानकी कुटीर, जुहू, महाराष्ट्र-400 049	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
19.	7947909	05/6/2009	वेयू ज्वेल्स 501, सोपान, क्रॉस पोदार रोड, बैंक ऑफ महाराष्ट्र के उपर, सान्ताक्रूज-पश्चिम, महाराष्ट्र-400 054	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
20.	7948002	05/6/2009	टकले बंधू 911, सराफ बाजार, नासिक, महाराष्ट्र-422 001	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
21.	7948103	05/6/2009	लालजीभाई ज्वेलर्स 32, माताजी बिल्डिंग, एनएस रोड, मुलुण्ड-पश्चिम, महाराष्ट्र-400 080	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
22.	7948204	05/6/2009	एम सुरेश कंपनी प्रा. लि. 419, पारेख मार्केट, ऑपेरा हाउस, महाराष्ट्र-400 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
23.	7947404	05/6/2009	सुविकास ऑलॉय एवं स्टिल प्रा. लि. गतेश विलेज (बुदूर्ग) शिरीष पाडा, खानीवली रोड, थाने, वाडा, महाराष्ट्र-421 303	कॉकट प्रबलन के लिए उच्च सांद्रण विरूपित इस्पात छड़ और तार (टीएमटी प्रक्रिया)	1786			2008
24.	7949408	12/6/2009	जेएसके इण्डस्ट्रीज प्रा.लि. सर्वे संख्या 369/1/1/2, विपेज सयाली, सियाराम मिल्क के पिछे, सिलवासा, दादरा और नगर हवेली-396 230	ऐल्युमिनियम मिश्रधातु लडदार चालक (ऐल्युमिनियम मैग्नीज सिलीकॉन टाईप)	398	4		1996
25.	7949509	12/6/2009	जेएसके इण्डस्ट्रीज प्रा.लि. सर्वे संख्या 369/1/1/2, विपेज सयाली, सियाराम मिल्क के पिछे, सिलवासा, दादरा और नगर हवेली-396 230	शिरोपरि प्रेषण उद्देश्यों के लिए ऐल्युमिनियम चालक-विशिष्ट भाग 2-ऐल्युमिनियम के चालक जस्तीकृत इस्पात प्रबलित (तीसरा पुनरीक्षण)	398	2		1996

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
26.	7949610	12/6/2009	जेएसके इण्डस्ट्रीज प्रा.लि. सर्वे संख्या 369/1/1/2, विपेज सयाली, सियाराम मिल्क के पिछे, सिलवासा, दादरा और नगर हवेली-396 230	शिरोपरि प्रेषण उद्देश्यों के लिए ऐल्युमिनियम चालक-विशिष्ट भाग ऐल्युमिनियम लडदार चालक	398	1		1996
27.	7950389	17/6/2009	ओम गोल्ड ट्रेडन्स लिमिटेड 704, सातवी मंजिल, पांचाली शॉपिंग सेंटर, नागरिक स्टोर के सामने, स्टेशन रोड, थाने- पश्चिम, महाराष्ट्र-400 601	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
28.	7950490	17/6/2009	दामसे रिटेल ज्वेलरी प्रा. लि., 518, पाल्म स्प्रींग सेन्टर, लिंक रोड, मलाड-पश्चिम, महाराष्ट्र-400 064	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
29.	7950591	18/6/2009	एच एम शाह दूसरी, मंजिल, शॉप संख्या 26, गुरु आशिष बिल्डिंग, 262, शेख मेमन रस्ता, गणेश वाडी, महाराष्ट्र-400 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
30.	7951189	22/6/2009	पी जी शंकलेशा ज्वेलर्स शॉप संख्या 19, कृष्णा शारदा आवर, धनवंतरी हॉस्पिटल के सामने, लाल चक्की चौक, स्टेशन रोड, थाने उल्हासनगर, महाराष्ट्र-421 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
31.	7953092	22/6/2009	प्रशांत ज्वेलर्स शॉप संख्या 5, म्युनिसिपल बिल्डिंग-बी, रफीअहमद किडवई रोड, वडाला, महाराष्ट्र-400 031	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
32.	7956102	06/7/2009	यश गोल्ड 105, धनजी स्ट्रीट, तल मंजिल, मुंबई-400 003	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
33.	7956001	15/7/2009	कांचन ज्वेलर्स शॉप संख्या 1, तांबोली टावर, कालवनी नाका, सिलवासा, दादरा और नगर हवेली-396 230	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
34.	7956506	15/7/2009	फाईन ज्वेलरी (इंडिया) लि., प्लॉट संख्या 14, फाईन हाउस, डब्ल्यूआयसीईएल, सिद्ध के सामने, अंधेरी-पूर्व, महाराष्ट्र-400 093	चाँदी और चाँदी मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन-विशिष्ट	2112			2003

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
35.	7954704	15/7/2009	कासा ज्वेलर्स प्रा. लिमिटेड, बी-4, विमल अपार्ट जुहू लेन कॉर्नर, अंधेरी-पश्चिम, महाराष्ट्र-400 058	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
36.	7955504	15/7/2009	आर एस ज्वेलर्स शॉप संख्या 1, कलवेरी अपार्ट., डॉ. आंबेडकर रोड, खार- पश्चिम, महाराष्ट्र-400 052	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
37.	7955605	16/7/2009	स्टार ज्वेलर्स शॉप संख्या 14, सुख सागर बिल्डिंग, तल मंजिल, कोबे होटल के आगे, एन एस पाटकर मार्ग, मुंबई, महाराष्ट्र-400 007	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
38.	7955706	16/7/2009	करमतारा स्टील प्रा. लिमिटेड, सर्वे संख्या 48-58, प्लॉट संख्या 05-55, एमआयडीसी, विपेज सरवली, तारापूर, तालुका-पालघर, बोईसर, महाराष्ट्र-401 506	सामान्य संरचना प्रयोजनों के लिए इस्पात एंगल हेतु	2062.			1999
39.	7956203	16/7/2009	कलश ज्वेलर्स 2/बी, लक्ष्मी इण्डस्ट्रीयल इस्टेट, न्यू लिंक रोड, अंधेरी पश्चिम, मुंबई-400 053	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
40.	7956405	16/7/2009	श्रनिवास ज्वेलर्स, एसएमसी बंला, शन पेट्रोल पम्प के नजदीक, एस टी डेपो के सामने, पिम्पलगांव, बसवंत, तालुका-निफड, नासिक, महाराष्ट्र-422 209	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
41.	7956708	17/7/2009	गार्डवेल इण्डस्ट्रीज प्रा. लि., राजहंस इण्डस्ट्रीयल कॉम्प्लेक्स, चिचपाडा, गोखिवारे, थाणे, वसई-पूर्व, महाराष्ट्र-401 208	तिजोरी (स्टॉग रूम) दरवाजे	11188	1		1991
42.	7957710	22/7/2009	हिरा कागझी ज्वेलर्स 403, पारेख मार्केट बिल्डिंग, 39, केनेडी पुल, ऑपेरा हाउस, महाराष्ट्र-400 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417.			1999
43.	7959613	24/7/2009	रिलायन्स रिटेल लिमिटेड, शॉप संख्या जी-9, तल मंजिल, फेज I, आर सिटी, एलबीएस मार्ग, घाटकोपर-पश्चिम, महाराष्ट्र-400 077	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
44.	7959815	24/7/2009	एल डी घोडके सराफ, शिवाजी चौक, विठठल मंदिर के नजदीक, कल्याण फरसाण मार्ट के सामने, थाने, कल्याण-421 301	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
45.	7959714	28/7/2009	रिलायन्स रिटेल लिमिटेड, शॉप संख्या जी-9, तल मंजिल, फेज I, आर सिटी, एलबीएस मार्ग, घाटकोपर-पश्चिम, महाराष्ट्र-400 077	चांदी और चांदी मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन-विशिष्ट	2112			2003
46.	7961596	05/8/2009	एम आर एस गोल्ड, 596, झवेरी बाजार, थाने, उल्हासनगर, महाराष्ट्र-421 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
47.	7961697	05/8/2009	शृंगार हाउस ऑफ मंलसूत्र प्रा. लि., 205, मोती धर्मकांता बिल्डिंग, तिसरी मंजिल, शॉप संख्या 18, मुंबादेवी रोड, मुंबा मंदिर के सामने, मुंबई, महाराष्ट्र-400 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
48.	7961701	05/8/2009	जे जे ज्वेलर्स 128-बी, लारम सेन्टर, एस बी रोड, अंधेरी स्टेशन के नजदीक, अंधेरी-पश्चिम, महाराष्ट्र-400 058	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
49.	7962396	07/8/2009	जे एम सी ज्वेलर्स 175, ज्वेल वर्ल्ड, कॉटन एक्सचेंज, पहली मंजिल, शॉप संख्या 112, कालबादेवी, महाराष्ट्र-400 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
50.	7962497	07/8/2009	विशाल मेटाली वर्क्स, 208, 209, वसन उद्योग भवन, एस बी मार्ग, लोअर परेल, महाराष्ट्र-400 013	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
51.	7962194	07/8/2009	टाईम टेक्नोप्लास्ट लिमिटेड, यूनिट 1, मोल्लिंग डिविजन, एन-99, 100-108, एमआयडीसी एरिया, जलगांव, महाराष्ट्र-425 003	मलक जल व्यवस्था के लिए घनत्व वाले पॉलिथिलीन पाइप	1433	3		1996

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
52.	7966004	20/8/2009	परेख गोल्ड हाउस प्रा. लि., 229ए, सिद्धपुरा इण्डस्ट्रीयल इस्टेट, प्लॉट संख्या 3, गायवाडी रोड, गोरेगांव- पश्चिम, महाराष्ट्र-400 062	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
53.	7967915	20/8/2009	पॉलिकॉब वायर्स प्रा. लि., हाउस, पहली मंजिल, 771, पंडित सातवलकर मार्ग, माहिम, महाराष्ट्र-400 016	शिरोपरि प्रेषण उद्देश्यों के लिए एल्युमिनियम चालक-विशिष्ट भाग 5 अतिरिक्त उच्च वोल्टता 400 कि वो और अधिक के लिए जस्तीकृत इस्पात प्रबलित एल्युमिनियम के चालक	398	5		1992
54.	7967612	24/8/2009	कवित गोल्ड, शॉप संख्या 9, बाबा कचरू गायकवाड बाल, गौतम नगर, रहिवासी सेवा संघ, बेहराम बाग, जोगेश्वरी-पश्चिम, महाराष्ट्र-400 102	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
55.	7967511	25/8/2009	हिराचंद ज्वेलर्स प्रा. लिमिटेड, 236, पंचरत्न बिल्डिंग, ऑपेरा हाउस, मुंबई, महाराष्ट्र-400 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
56.	7966913	25/8/2009	श्री सप्तशृंगी इस्पात प्रा. लि., गट संख्या 228, पोस्ट लखमापूर, तालुका-दिदोरी, जिला-नासिक-423 213	कॉकट पबलन के लिए उच्च सांद्रण विरूपित इस्पात छड़ और तार (टी एम टी प्रक्रिया)	1786			1985
57.	7967814	26/8/2009	मंगलारे ज्वेलरी वर्क्स 11 और 12-ए, भिवंडीवाला बिल्डिंग, एल एन रोड, माटुंगा (मध्य रेल) महाराष्ट्र-400 019	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
58.	7969111	01/9/2009	मापले मोल्डिंग प्रा. लिमिटेड, एमएसएसआयडीसीएस, प्लॉट संख्या 24, वूड बेस इण्डस्ट्रीयल कॉम्प्लेक्स, विलेज हान्द्रे, तालुका-वाडा, जिला-थाने, महाराष्ट्र-421 303	लकड़ी के सपाट दरवाजे के शटर (ठोस कोर प्रकार) (छटा पुनरीक्षण)	2202	1		1999
59.	7969212	02/9/2009	मापले मोल्डिंग प्रा. लिमिटेड, एमएसएसआयडीसीएस, प्लॉट संख्या 24, वूड बेस इण्डस्ट्रीयल कॉम्प्लेक्स, विलेज हान्द्रे, तालुका-वाडा, जिला-थाने, महाराष्ट्र-421 303	ब्लॉक बोर्ड-विशिष्ट (तीसरा पुनरीक्षण)	1659			2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
60.	7969414	03/9/2009	मोहित इस्पात लिमिटेड, प्लाट संख्या 1, नवीलम विपेज, बिचोलीम इण्डस्ट्रीयल इस्टेट, बिचोलीम, पणजह, गोवा-403 001	कंकित प्रबलन के लिए उच्च सांद्रण विरूपित इस्पात छड़ और तार (टी एम टी प्रक्रिया)	1786			1985
61.	7971094	04/9/2009	दीपसन्स ऑरनामेन्टस् शॉप संख्या 34, आर एन आर्कड, क्रिस्टल ऑवेन्यू को. सो. लि., लोखंडवाला कॉम्पलेक्स, अंधेरी-पश्चिम, महाराष्ट्र-400 053	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
62.	7970395	07/9/2009	अम्बे मेटस्टिल प्रा. लि., गट संख्या 195, विपेन बडावली, उचट कोन्डला रोड, थाने, वाडा, महाराष्ट्र-421 303	कंकित प्रबलन के लिए उच्च सांद्रण विरूपित इस्पात छड़ और तार (टी एम टी प्रक्रिया)	1786			1985
63.	7970601	07/9/2009	मधुर प्लास्ट शेड संख्या 9, शिला अपार्टमेंट, राधाबाई चाल, थाने, उल्हासनगर, महाराष्ट्र-421 003	विद्युत संस्थापनों के लिए विद्युतरोधी सामग्री के दृढ़ सादी नलिकाएँ	9537	3		1983
64.	7975611	25/9/2009	अल्टा पॉलिमर्स, सर्वे संख्या 338/2, पटेल ग्राउंड के पीछे, कांचीगम, दमण और दीव-396 210	विद्युत संस्थापनों के लिए विद्युतरोधी सामग्री के दृढ़ सादी नलिकाएँ	9537	3		1983
65.	7971704	10/9/2009	रॉयल प्लास्टिक, गट संख्या 574, I ए/1बी, आग्रा रोड, रमेश पेट्रोल पम्प, चंदनपुरी, शिवर, नासिक, मालेगांव, महाराष्ट्र-423 203	पानी की आपूर्ति के लिए उच्च घनत्व वाले पॉलिएथिलीन पाईप	4984			1985
66.	7971397	09/9/2009	सद्गुण ज्वेलर्स प्रा. लिमिटेड, प्लाट संख्या 97, फेज II, तीसरी मंजिल, स्ट्रीट संख्या 16, एमआईडीसी, अंधेरी-पूर्व, महाराष्ट्र-400 093	चांदी और चांदी मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन-विशिष्ट	2112			2003
67.	7971195	09/9/2009	ज्वेल्स बाय क्वीन, सी 001, I एवं II 23, न्यू पोर्णिमा अर्पा, सी विंग, तल मंजिल, पेडर रोड, मुंबई, महाराष्ट्र-400 026	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
68.	7971296	09/9/2009	सद्गुण ज्वेलर्स प्रा. लिमिटेड, प्लॉट संख्या 97, फेज II, तीसरी मंजिल, रस्ता संख्या 16, एमआईडीसी, अंधेरी पूर्व महाराष्ट्र-400 093	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
69.	7972605	11/9/2009	पॉप्युलर गोल्ड, 64, गैलरीया, हिरानंदानी गार्डन, पवई, अंधेरी-पश्चिम, महाराष्ट्र-400 076	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
70.	7972096	11/9/2009	तुलसी एक्सटेंशन लि. एन-99, 100 और 108, एमआईडीसी एरिया, जलगांव महाराष्ट्र-425 003	भवनों के अंदर और बाह्य संवातन और वर्षा जल पद्धति सहित मृदु और अपशिष्ट विकास पद्धति के लिए अप्लैस्टिकित पॉलिविनायल क्लोराईड (यूपीवीसी) इंजेक्शन मोल्डित फिटिंग	1473	5		1999
71.	7973809	16/9/2009	श्रीराम ज्वेलर्स, विराज विहार, शॉप संख्या 7, सेक्टर 17, वेलकम सुपर मार्केट के सामने, रायगढ़, ऐरोली, महाराष्ट्र-400 708	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
72.	7974104	18/9/2009	शंकर महादेव एण्टरप्राइजेज, स्विमिंग पूल रोड, बुध विहार के नजदीक, म्युनिसिपल कॉर्पोरेशन के पिछे, महाराष्ट्र-421 003	तेल दाब चूल्हों के लिए बर्नर, आवाज करने वाले, पदनाम नंबर 1	1417			1999
73.	7974508	23/9/2009	सबिने ज्वेलर्स, 7, सुरतवाला बिल्डिंग, राजाराममोहन मार्ग, 211/ए, प्रार्थना समाज, चर्नी रोड, महाराष्ट्र-400 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
74.	7975813	29/9/2009	शागर ज्वेलर्स, शॉप संख्या 7-सी, सायरा आवर, लोखंडवाला टाउनशीप, आकूर्ली रोड, कादिवली-पूर्व, महाराष्ट्र-400 101	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
75.	7975914	29/9/2009	इन्टरनेशनल जेमोलॉजिकल इन्स्टिट्यूट (इं) प्रा. लि., 402/404, मनी महाल, 11/21, मॅथ्यू रोड, आपेरा हाउस, मुंबई महाराष्ट्र-400 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
76.	7976007	29/9/2009	खयान्स ज्वेलर्स, 1002, सूर्या आवर, नाथलाल पारेख मार्ग, डॉन बॉस्को स्कूल के सामने, मादुंगा, महाराष्ट्र-400 019	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
77.	7976916	01/10/2009	शान्तिलाल ज्वेलर्स, 65/67, झवेरी बाजार, दूसरी मंजिल, शॉप सं. 7, मुंबई-400 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
78.	7976815	01/10/2009	के जी ज्वेलर्स, शॉप संख्या 801/802, झवेरी बाजार, शिरू चौक, धाने, उल्हासनगर, महाराष्ट्र-421 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
79.	7979215	12/10/2009	आभूषण ज्वेलर्स, शॉप संख्या 5, फेअर लेन, बिल्डिंग, प्लॉट संख्या 182, अय्यप्पा मंदिर के सामने, सेक्टर 17, नेरूल, नवी मुंबई, महाराष्ट्र-400 706	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
80.	7979720	15/10/2009	कामाक्षी ज्वेलर्स, बैंक ऑफ बरोडा के सामने, लोहिया मैदान के नजदीक, मारगांव, उत्तर गोवा, गोवा-403 601	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
81.	7982810	30/10/2009	दिनेश ज्वेलर्स, पाठके शॉपिंग सेन्टर, पुराने टीएम सी स्टेशन रोड, धाने पश्चिम, महाराष्ट्र-400 001	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
82.	7982911	30/10/2009	जय पारसनाथ ज्वेलर्स, काकड मार्केट, तीसरी मंजिल, 301/306, कालबादेवी रोड, मुंबई, महाराष्ट्र-400 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
83.	7983004	30/10/2009	केबीजे ज्वेलरी प्राइवेट लिमिटेड, 66/66ए, तीसरी मंजिल, केबीजे प्लाज़ा, झवेरी बाजार, मुंबई, महाराष्ट्र-400 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
84.	7983105	30/10/2009	ए यू फिनजा ज्वेलर्स, तल मंजिल, जे के बिल्डिंग-II मेहरा इस्टेट, एलबीएस मार्ग, विक्रोली, मुंबई, महाराष्ट्र-400079	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
85.	7985109	11/11/2009	पी. के. ज्वेलर्स, 4/बी, श्यामकमल अग्रवाल मार्केट, विले पार्ले पूर्व, महाराष्ट्र-400 057	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
86.	7985210	12/11/2009	पेडणेकर ज्वेलर्स, शॉप संख्या ए-1, तल मंजिल, बीचोलिम, जिला-दक्षिण गोवा, गोवा	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
87.	7985311	12/11/2009	राजेंद्रा ज्वेलर्स, ग्राम पंचायत बिल्डिंग, शॉप संख्या 9, तालुका-शहापुर, जिला-धाने, महाराष्ट्र-421 604	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
88.	7986919	20/11/2009	हेमलता ज्वेलर्स, शॉप संख्या 5, स्टेशन रोड, बैंक ऑफ बरोडा के सामने, अंबरनाथ पश्चिम जिला धाने, महाराष्ट्र-421 501	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
89.	7987012	20/11/2009	मेघराज ज्वेलर्स, स्टेशन रोड, बाजार पेठ, धाने पश्चिम जिला-धाने, महाराष्ट्र-400 601	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
90.	7987113	20/11/2009	श्री सूरज ज्वेलर्स, 309/45, स्टेशन रोड, अंबरनाथ पूर्व, जिला-धाने, महाराष्ट्र-421 501	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
91.	7987214	20/11/2009	अहिरंत ज्वेलर्स, 7, विनस अपार्टमेंट, नवरघर रोड, भाईदर पूर्व, जिला-धाने, महाराष्ट्र-401 105	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
92.	7987315	20/11/2009	मास इंटरनेशनल, 624, पारेख मार्केट, 39, केनेडी पुल, मुंबई-400 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
93.	7989723	01/12/2009	रिलायन्स रिटेल लिमिटेड, शॉप संख्या जी-9, तल मंजिल फेज I, आर सिटी, एलबीएस मार्ग, घाटकोपर- पश्चिम, महाराष्ट्र-400 077	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
94.	7989319	02/12/2009	दी सुप्रिम इण्डस्ट्रीज लिमिटेड यूनिट संख्या 3, गट संख्या 47, 47/2, 48 से 50, 55 से 66, 69 से 70, 72 और 73, जलगांव-औरंगाबाद स्टेट हायवे, पोस्ट-गडेगांव, जिला-जलगांव, महाराष्ट्र-425 114	गरम और शीत जल आपूर्ति के लिए पॉलीप्रोपाइलीन संयोगिक कोपोलीमर पाइपें	15801			2008
95.	7989925	03/12/2009	हेमा गोल्ड एण्ड सिल्वर 8, श्यामलदास गांधी मार्ग, प्रिन्सेस रस्ता, मंगलदास मार्केट के सामने, मुंबई-400002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
96.	7989824	3/12/2009	रिलायन्स रिटेल लिमिटेड सांघी मोटर्स पॉपर्टी, 39, ए, मुंबई-400 007	चांदी और चांदी मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन-विशिष्ट	2112			2003
97.	7990809	09/12/2009	सौरभ ज्वेलर्स, 99, भवानी पेठ, सराफ बाजार, जिला-जलगांव, महाराष्ट्र-425 001	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
98.	7990910	09/12/2009	पाटील एण्ड पवार ज्वेलर्स राजदीप अपार्टमेंट, स्टेशन, वसई पश्चिम, जिला-थाने, महाराष्ट्र-401 202	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
99.	7991003	10/12/2009	शिव आर्ट चैन प्रा. लि., 110/111, ज्वेल वर्ल्ड, कॉटन एक्सचेंज बिल्डिंग, कालबादेवी जंक्शन, मुम्बई-400 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
100.	7991407	10/12/2009	प्राईम प्लास्टिक 34, सेठी इण्ड. इस्टेट, दूसरी मंजल, 10-ई, सुरेन रोड, अंधेरी पूर्व, महाराष्ट्र-400 093	औद्योगिकी सुरक्षा हेलमेट दूसरा पुनरीक्षण	2925			1984
101.	7992106	15/12/2009	हार्दीक सराफ शिव रोड, बिल्वा गेट, उल्हासनगर, जिला-थाने, महाराष्ट्र	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
102.	7993411	22/12/2009	ऑसटोन 507, आरपी भूषण सेन्टर, एमआयडीसी रोड संख्या 11, जी एफ आई सी कम्पाउंड, तुंगा पैराडाईस के पीछे, अंधेरी, महाराष्ट्र-400 093	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
103.	7994514	24/12/2009	मिनाक्षी ज्वेलर्स, तारापुर रोड, चित्रालय, बी ए आर सी गेट के सामने, बाईसर पश्चिम, जिला-थाने, महाराष्ट्र-401 504	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
104.	7995516	31/12/2009	बालाजी इण्डस्ट्रीज सेक्टर 17, संगम टॉवल्स के सामने, बीके संख्या 825 के नजदीक, उल्हासनगर-421 003	तेल दाब चूल्हों के लिए बर्नर, आवाज करने वाले, पदनाम नंबर 1	8808			1999
105.	7996417	6/1/2010	महेश ज्वेलर्स, दीपमणी आपर्टमेंट, रेलवे गेट के सामने, बदलापुर पूर्व, जिला-थाने, महाराष्ट्र-421 503	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
106.	7996518	6/10/2010	राज ज्वेलर्स, शॉप संख्या 90, एल के मार्केट, तीसरा लेन, झवेरी बाजार, महाराष्ट्र-400 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
107.	7997116	8/1/2010	मनहर ज्वेलर्स 3, कुरेशी महाल, एम एम सी रोड, माहिम, महाराष्ट्र-400 016	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
108.	7997217	8/1/2010	झवेरचंद भुरभाई झवेरी 56/ए, तल मंजिल, झरीवाला मेशन, हगेस रोड गामदेवी, झवेरी बाजार, महाराष्ट्र-400 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
109.	7997318	8/1/2010	अडोरा ज्वेलर्स 147-सी, पंचरतना, एम पी मार्ग, ऑपेरा हाउस, महाराष्ट्र-400 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
110.	7997419	8/1/2010	सुरेश ज्वेलर्स 101, पहला कॉटन एक्सचेंज बिल्डिंग, 175, कालबादेवी रोड, महाराष्ट्र-400 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
111.	7997722	11/1/2010	स्काय गोल्ड प्रा. लि., रूम संख्या 9, दूसरी मंजिल, 60/62, गोविंद निवास, धानजी रस्ता, मुंबई-400 003	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
112.	7997823	11/1/2010	टेम्पल डिजाईन एल एल पी प्लॉट संख्या आर-1, दूसरी मंजिल, कामा इण्ड. इस्टेट, बालभत रोड, बजंग नगर, के सामने, गोरेगांव पश्चिम, महाराष्ट्र-400 063	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
113.	7997924	11/1/2010	के.पी. इण्डस्ट्रीज शुभ इण्डस्ट्रीयल इस्टेट, सेक्टर संख्या 2, गाला संख्या 11, गुरई पाडा, वसई पूर्व, जिला-थाने, महाराष्ट्र-401208	पिटिंग एल्युमिनियम के बर्तन भाग-1--कूकिंग टेबल, सविंग, भंडारण व बेकिंग के बर्तन	1660	1		1982
114.	7998926	11/1/2010	काईटेक इण्डस्ट्रीज इंडिया लि. सी-8/11, जीवन भीमानगर, बोरिवली, महाराष्ट्र-400103	संवातन और वर्षा के पानी के तंत्र सहित भवनों के अंदर की मिट्टी तथा अपशिष्ट निरावेशन तंत्र के लिए अनम्यकृत पीवीसी पाइपें	13592			1992
115.	7999019	19/1/2010	मिनल ज्वेलर्स बिल्डिंग संख्या 213, 4 बेहराम मेन्शन, वरली पोस्ट ऑफिस के नजदीक, वरली, महाराष्ट्र-400018	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
116.	7999120	19/1/2010	रानी इंटरनेशनल 35-डी, स्नेह सदन, 101/102, मेन अर्वेन्यू रोड, सांताक्रुझ पश्चिम, महाराष्ट्र-400 054	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
117.	7999221	19/1/2010	केशरीमल कपूरचंद एण्ड को. विष्णू मनीधर चाल, बाजार, पेठ, गिलादेवी चौक, कल्याण पश्चिम, जिला-थाने, महाराष्ट्र-421 301	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
118.	3603449	21/1/2010	गालडा पावर एण्ड टेलिकम्युनिकेशन लि., पोस्ट बॉक्स संख्या 64, प्लॉट संख्या 20, वृंदावन पार्क, सिलवासा-396 230, दादरा और नगर हवेली	घिरोपरि प्रेशन उद्देश्यों के लिए ऐल्युमिनियम चालक भाग 1 ऐल्युमिनियम लडदार चालक	398	1		1996
119.	3600342	21/1/2010	उझूरी ज्वेल्स प्रा. लि., 211/212, केदूओ इण्ड. इस्टेट, एमआयडीसी पुलिस स्टेशन के नजदीक, अंधेरी पश्चिम, महाराष्ट्र-400 059	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
120.	3600544	22/1/2010	गोल्ड स्टार ज्वेलरी इंडिया प्रा. लि., प्लॉट संख्या 8, रॉयल स्टार आर्कोड, वेस्टर्न इण्ड. इस्टेट, सिद्ध-सिद्ध के सामने, एमआयडीसी, अंधेरी पश्चिम, महाराष्ट्र-400 007	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
121.	3600645	22/1/2010	काजल गोल्ड पॅलेस शॉप संख्या 4, प्रनित अपार्टमेंट, गोदरेज हिल रोड, खडकपाडा, कल्याण पश्चिम, जिला-थाने महाराष्ट्र-421 301	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
122.	3601243	26/1/2010	पेंडणेकर ज्वेलर्स प्रा.लि., साई स्नेहा आयडीबीआय बैंक के सामने, एमटीएनएल के पीछे, एमएल को-हाउसिंग सोसायटी रोड, पुराना पनवेल, पनवेल, जिला-रायगढ़ महाराष्ट्र-410 206	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
123.	3601344	26/1/2010	टकले जेम्स एण्ड ज्वेलरी, शॉप संख्या 25, वूडलैण्ड टॉवर्स, पुराना गांगूपर नाका, नासिक, जिला-नासिक, महाराष्ट्र-422 002	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
124.	3601445	26/1/2010	रवि ज्वेलर्स शॉप संख्या 5, भमा सावित्री बिल्डिंग, कल्याण, जिला-थाने, महाराष्ट्र-421 306	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
125.	3602649	30/1/2010	मयुरा ज्वेलर्स 8, हन्सा विला, अपना बाजार के नजदीक, जवाहरलाल नेहरू रोड, मुलुण्ड पश्चिम, महाराष्ट्र-400 080	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
126.	3602447	01/2/2010	प्रिन्स पाइप्स एण्ड फिटिंग प्रा. लि., 95, प्रिन्स भवन, रोड संख्या 16, मरोल, एमआयडीसी, अंधेरी पूर्व, मुंबई-400 093	गरम और शीत जल आपूर्ति के लिए पॉलीप्रोपाइलीन संयोगिक कोपोलीमर पाइपें	15801			2008
127.	3606354	10/2/2010	अशपुरा ज्वेलर्स शॉप संख्या 6, जनार्दन आर्कोड, बैंक ऑफ बरोडा के सामने, मेन रोड, डहाणू रोड, जिला-थाने महाराष्ट्र-401 602	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
128.	3607255	09/2/2009	काईटेक इण्डस्ट्रीज इंडिया लि., सी-118/11, जीवन भीमनगर, बोरिवली, महाराष्ट्र-400 103	पानी की आपूर्ति के लिए घनत्व वाले पॉलिएथिलीन पाईप	4984			1995

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
129.	3606758	12/2/2010	सुवर्णराज इंडिया प्रा. लि., 1 और 2/7, बॅकबे व्यूव, चौथी माला, 3-ए, मामा परमानंद मार्ग, मुंबई-400 004	चांदी और चांदी मिश्र धातुओं के आभूषण/शिल्पकारी—शुद्धता व मुहरांकन-विशिष्ट	2112			2003
130.	3606657	13/2/2010	सुवर्णराज इंडिया प्रा. लि., 1 और 2/7, बॅकबे व्यूव, चौथी माला, 3-ए, माला परमानंद मार्ग, मुंबई-400 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
131.	3606960	13/2/2010	मोहनलाल पूनचंद एण्ड सन्स 32/34, राजवाडकर रस्ता, कुलाबा, मुंबई-400 005	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
132.	3607457	16/2/2010	इन्डिगो ज्वेलरी प्रा.लि., 5, एल के आर्कड, मरोल जंक्शन, सर एम वी रोड, गंधेरी पूर्व, महाराष्ट्र-400 059	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
133.	3607558	17/2/2010	फ्यूचर वॅल्यू रिटेल लिमिटेड नॉलेज हाउस, श्याम नगर, जोगेश्वरी विक्रोली लिंक रोड के बाद, जोगेश्वरी पूर्व, महाराष्ट्र-400 060	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
134.	3607861	18/2/2010	सुपर प्लास्ट कंपनी एच-118, 121, अन्सा इण्डस्ट्रीयल इस्टेट, साकी विकार रोड, अंधेरी पूर्व, महाराष्ट्र-400 072	विद्युत संस्थापन के लिए केबल तनाव और वाहिनी पद्धति भाग 2 केबल तनाव एवं वाहिनी पद्धति दीवारों पर या सीलिंग पर लगाने के लिए वांछित	14927	2		2001
135.	3611852	27/2/2010	वतूमल सन्स ज्वेलर्स शॉप संख्या 158/159, सिरू चौक, उल्हासनगर, जिला-थाने, महाराष्ट्र-420 003	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
136.	3611650	26/2/2010	मेघा प्लास्ट चालता संख्या 71, शेड संख्या 30, अमित इण्डस्ट्रीयल एरिया, भाउजी नगर, विठलवाडी, रेलवे स्टेशन रोड, उल्हासनगर-421 003	विद्युत संस्थापन के लिए विद्युतरोधी सामग्री के दृढ़ सादी नलिकाएं	9537	3		1983

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
137.	3612046	2/3/2010	कॉन्फिडन्स पेट्रोलियम इंडिया लिमिटेड, यूनिट 2, सर्वे संख्या 34/1, 34/2, विपेज पौड, खलापुर, जिला-रागढ़, महाराष्ट्र-410207	अल्प दाब द्रवणीय गैसों के लिए 5 लीटर से अधिक जल क्षमता वाले वेल्डित अल्प कार्बन इस्पात के सिलिंडर भाग I द्रवित पेट्रोलिय गैस (एल. पी. जी.) के लिए सिलिंडर (पांचवा पुनरीक्षण)	3196	1		2006
138.	3613048	8/3/2010	विजय साब्रे सेफटी प्रा. लि., प्लॉट संख्या 35, चाँदिवली विपेज, साकी विकार रोड, अंधेरी पूर्व, महाराष्ट्र-400 072	औद्योगिक सुरक्षा हेलमेट (दूसरा पुनरीक्षण)	2925			1984
139.	3613553	10/3/2010	कृष्णा ज्वेलर्स शॉप संख्या 25, प्रभाकर नाईक शॉपिंग कॉम्प्लेक्स, भाजी मार्केट के सामने, वाडा, जिला-थाने, महाराष्ट्र-421 303	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
140.	3614454	11/3/2010	मापेल मोल्डिंग प्रा. लि., एमएसएसआईडीसीएस, प्लॉट संख्या 24, वुड बेस इण्डस्ट्रीयल कॉम्प्लेक्स, विलेज हान्द्रे, तालुका-वाडा, जिला-थाने, महाराष्ट्र-421 303	सामान्य प्रयोजनों के लिए प्लाईवुड (तीसरा पुनरीक्षण)	303			1989
141.	3616054	18/3/2010	संनगुणे इण्डस्ट्रीज ऑफिस संख्या 20, पहली मंजिल, पारेख मार्केट 39, जीएसएस रोड, ऑपेरा हाउस, महाराष्ट्र-400 004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
142.	3617561	26/3/2010	एशियन प्लाईवुड गट संख्या 214, विपेज शिवाले, तालुका-मुरबाड, जिला-थाने-421 301	सामान्य प्रयोजनों के लिए प्लाईवुड (तीसरा पुनरीक्षण)	303			1989
143.	3619262	31/3/2010	न्यू राधेश्याम मिश्रीलाल सराफ एच संख्या 2/315/1, सराफ बाजार, गांधी चौक, भुसावल, जिला-जलगांव महाराष्ट्र-425 201	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
144.	3619363	31/3/2010	राधेश्याम मिश्रीलाल सराफ एण्ड सन्स एच संख्या 2/315/1, सी एस संख्या 1343, भुसावल, जिला-जलगांव महाराष्ट्र-425 201	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999
145.	3619666	31/3/2010	आर आर रायकर ज्वेलर्स क्लोविस्ट डिकसेस्टा रोड, एम जी मार्केट के नजदीक, मारगोवा, उत्तर गोवा, गोवा-403 601	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी शुद्धता व मुहरांकन	1417			1999

[सं. के. प्र. वि./13 11]

डॉ. एस. एल. पालकर, निदेशक एवं प्रमुख (एम डी एम-II)

New Delhi, the 26th August, 2011

S.O. 2346—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (certification) regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have grant with effect from the date indicate against each :

SCHEDULE

Sr. No.	CML No.	GOL Date	Licensee Name and Address	IS Product	IS No.	Part	Sec.	Year
1	2	3	4	5	6	7	8	9
1.	7927697	6/04/2009	Gehna Creations (India) Pvt. Ltd., 413/414, Parekh Market, Opp. Kenndey Bridge, Opera House, Mumbai, Maharashtra-400 004	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
2.	7930686	09/04/2009	Anta Jewellers Francisco Loyola Road, Shop No. 74, North Goa, Margoa Goa-403 601	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
3.	7940689	27/04/2009	Tulsi Extrusions Ltd. N-99, 100 and 108 MIDC. Area, Jalgaon, Maharashtra	Injection Moulded PVC Fitting with Solvent Cement Joints for Water Supplies : Part 1 Genera; Requirements	7834	1		1987
4.	7947808	05/05/2009	V G N Jewellers, Shrishti House, 1st Floor, Shop No. 1, N.S. Road, Mulund (East), Maharashtra-400 080	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
5.	7940790	05/05/2009	Shree Balaji Jewellers, B/11/12, Om Shree Balaji Darshan Bldg., New Golden Nest Road, Near Sineking, Bhayander (East), Thane, Maharashtra	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
6.	7940891	05/05/2009	Saiesha Jewellers, 901/903, Parekh Marker, 39, Kennedy Bridge Opera House, Maharashtra-400004	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
7.	7940992	05/05/2009	Sai Jewellers Shop No. 2, OM Deepti Co-op. Hsg. Society Ltd., Whradhanand Road, Vile Parle (East) Maharashtra-400057	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
8.	7941085	05/05/2009	Manthan Jewellers, Shop. No. 5, Raunak Arcade, Gokhale Road, Naupada, Thane (West), Maharashtra-400602	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
9.	7940487	08/05/2009	Triveni Bialetti Industries Pvt. Ltd., 231, Khardi, Post, Golban, Tal. Shahpur, Thane Khardi, Maharashtra-421301	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
10.	7942491	11/05/2009	The Lalit Gems Co., 117, Panchratna, 1st Floor, Opera House, Mumbai, Maharashtra-400004	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
11.	7942794	11/05/2009	S.K. Seth Co. Jewellers, 226/230, Giriraj Building, Shop No. 204, 2nd Floor, Sheikh Memon Street, Zaveri Bazar, Mumbai, Maharashtra-400002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
12.	7942390	12/05/2009	Desh Wire Products Pvt. Ltd., 34, Kembros, Industrial Estate, Bhandup Sonapur Road, Off. LBS Marg, Bhandup (W) Maharashtra-400078	Steel Wire Suspension Ropes for Lifts, Elevators and Hoists	2365			1997
13.	7942895	14/05/2009	Harsh Enterprises Gala No. 10/411, Madani Estate, M.G. Link Road, Sonapur, Bhandup (W), Maharashtra-400078	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
14.	7942996	15/05/2009	Raia Jewels Pvt. Ltd., Unit No. 11/11-A, 80/88 D.L. Marg, Opp. Hakoba Mills, Kala Chowky, Mumbai, Maharashtra-400 033	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
15.	7943901	18/05/2009	Shiivek Jewels, Shiv Centre, Co. Op., Society, Sector 17, Shop No. 32/47, Vashi, Thane, Navi Mumbai, Maharashtra-400705	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
16.	7943089	18/05/2009	Desh Wire Products P. Ltd., 34, Kembros, Industrial Estate, Bhandup Sonapur Road, Off. LBS Marg, Bhandup (W) Maharashtra-400 078	Round Strand Galvanized Steel Wire Ropes for Shipping Purposes	2581			2002
17.	7945194	25/05/2009	Associated Transrail Structures Ltd., 103/104, Krishna Tower, C/o. Hotel Viraj Building, Opp. PWD Office, Saily Road, Dadra and Nagar Haveli Silvassa-396 230	Aluminium conductors for Overhead Transmission Purposes : Part 5 Aluminium Conductors-Gal Steel Reinforced for Extra High Voltage (400 Kv and Above)	398	5		1992
18.	7948305	05/06/2009	Hemi Exquisite Jewellery Prithvi House, 5th Floor, Janki Kutir, Juhu, Maharashtra-400 049	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
19.	7947909	05/06/2009	Vieu Jewels, 501, Sopan, Cross Podar Road, Above Bank of Maharashtra, Santacruz(W) Maharashtra-400 054	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
20.	7948002	05/06/2009	Takle Bandhu, 911, Saraf Bazar, Nashik, Maharashtra-422 001	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
21.	7948103	05/06/2009	Lalajibhai Jewellers, 32, Mataji Bldg., N.S. Road, Greater Bombay, Mulund (W) Maharashtra-400 080	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
22.	7948204	05/06/2009	M Suresh Company P. Ltd., 419, Parekh Market, Opera House, Maharashtra-400 004	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
23.	7947404	05/06/2009	Suvikas Alloys & Steel Pvt. Ltd., Gatesh Village (Budruk), Shirish Pada, Khanivalu Road, Thane, Wada, Maharashtra-421 303	High Strength Deformed Steel Bars and Wires for Concrete Reinforcement	1786			2008
24.	7949408	12/06/2009	JSK Industries Pvt. Ltd., Survey No. 369/1/1/2, Village : Sayli, Behind Siyarm Silk Mills, Dadra and Nagar Haveli, Silvassa-396 230	Aluminium Conductors for Overhead Transmission Purposes : Part 4 Aluminium Alloy Stranded Conductors (Aluminium Magnesium Silicon Type)	398	4		1994

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
25.	7949509	12/06/2009	JSK Industries Pvt. Ltd., Survey No. 369/1/1/2, Village : Sayli, Behind Siyarm Silk Mills Dadra and Nagar Haveli, Silvassa-396 230	Aluminium Conductors for Overhead Transmission Purposes : Part 4 Aluminium Conductors, Galvanized Steel Reinforced	398	2		1996
26.	7949610	12/06/2009	JSK Industries Pvt. Ltd., Survey No. 369/1/1/2, Village : Sayli, Behind Siyarm Silk Mills Dadra and Nagar Haveli, Silvassa-396 230	Aluminium Conductors for Overhead Transmission Purposes : Part 1 Aluminium Stranded Conductors	398	1		1996
27.	7950389	17/06/2009	Om Gold Tradenet Ltd., 704, 7th Floor, Panchali Shopping Centre, Opp. Nagrik Stores, Station Road, Thane (W) Maharashtra-400 601	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
28.	7950490	17/06/2009	Damasy Retail Jewellery Pvt. Ltd., 518, Palm Spring Centre, Link Road, Greater Bombay Malad (W) Maharashtra-400 064	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
29.	7950591	18/06/2009	H M Shah 2nd Floor, Shop No. 26, Guru Ashish Building, 262, Shaikh Menin Street, Ganesh Wadi, Maharashtra-400 002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
30.	7951189	22/06/2009	P. G. Shanklesha Jewellers, Shop No. 19, Krishna Sharada Tower, Opp. Dhanvatri Hospital, Lal Chakki Chawk, Station Road, Thane, Ulhasnagar, Maharashtra-421304	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
31.	7953092	22/06/2009	Prashant Jewellers, Shop No. 5, Municipal Bldg., Rafi Ahmed Kidwai Road, Wadala, Maharashtra-400 031	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
32.	7956102	06/07/2009	Yash Gold, 105, Dhanji Street, Ground Floor, Mumbai, Maharashtra-400 003	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
33.	7956001	15/07/2009	Kanchan Jewellers, Shop No. 1, Tamboli Tower, Kalvani Naka, Dadara and Nagar Haveli, Silvassa-396 230	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
34.	7956506	15/07/2009	Fine Jewellery (India) Ltd., Plot No. 14, Fine House, W.I.C.E.L. Opp. Seepz, Andheri (E), Maharashtra-400 093	Silver and Silver Alloys, Jewellery/Artefacts— Fineness and Marking	2112			2003
35.	7954704	15/07/2009	Kasa Jewellery Pvt. Ltd., B-4, Vimal Apt., Juhu Lane Corner, Greater Bombay Andheri (W), Maharashtra-400 058	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
36.	7955504	15/07/2009	R.S. Jewellers, Shop No. 1, Calcutty Apts., Dr. Ambedkar Road, Khar (W), Maharashtra-400 052	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
37.	7955605	16/07/2009	Star Jewels, Shop No. 14, Sukh Sagar Bldg., Gr. Floor, Next to Kobe Restaurant, N.S. Patkara Marg, Mumbai, Maharashtra-400 007	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
38.	7955706	16/07/2009	Karamtara Steel Pvt. Ltd., Survey No. 48-58, Plot No. 05-55, MIDC, Village Saravali, Tarapur, Tal-Palghar, Raigarh, Boisar, Maharashtra-401 506	Steel for General Structural Purposes	2062			2006
39.	7956203	16/07/2009	Kalash Jewels 2/B Laxmi Industrial Estate, New Link Road, Andheri (W), Mumbai, Maharashtra-400 053	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
40.	7956405	16/07/2009	Shriniwas Jewellers, SMC Bungalow, Near Shah Petrol Pump, Opp. S.T. Depot., Pimpal Gaon Baswant, Tal. Niphad, Nashik, Maharashtra-422 209	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
41.	7956708	17/07/2009	Guardwel Industries Pvt. Ltd., Rajhans Industrial Complex, Chinchpada, Gokhivere, Thane, Vasai, (E) Maharashtra-4001 208	Vault (Strong Room) Doors : Part 1	11188	1		1991
42.	7957710	22/07/2009	Hira Kagzi Jewels, 403, Parekh Market Bldg., 39, Kennedy Bridge, Greater Bombay, Opera House, Maharashtra-400 004	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
43.	7959613	24/07/2009	Reliance Retail Limited, Shop No. G-9, Ground Floor, Phase I, R City, L.B.S. Marg, Ghatkoper (W) Maharashtra-400 077	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
44.	7959815	24/07/2009	L.D. Ghodke Saraf Shivaji Chowk, Near Vithal Temple Opp. Kalyan Farsan Mart, Thane, Kalyan (W), Maharashtra-421 301	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
45.	7959714	28/07/2009	Reliance Retail Limited, Shop No. G-9, Ground Floor, Phase I, R City, L.B.S. Marg, Ghatkoper (W) Maharashtra-400 077	Silver and Silver Alloys, Jewellery/Artefacts— Fineness and Marking	2112			2003
46.	7961596	05/08/2009	M.R.S. Gold, 596, Zaveri Bazar, Thane, Ulhasnagar, Maharashtra-421 002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
47.	7961697	05/08/2009	Shrinagar House of Mangalsutra Pvt. Ltd., 205, Moti Dharamkanta Bldg., 3rd Floor, Shop No. 18, Mumbadevi Road, Opp. Mumbadevi Temple, Maharashtra-400 002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
48.	7961701	05/08/2009	J.J. Jewellers, 128-B, Laram Centre, S.V. Road, Near Andheri Station Andheri (W), Maharashtra-400 058	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
49.	7962396	07/08/2009	J.M.C. Jewellers, 1758, Jewel World, (Cotton Exchange), 1st Floor, Shop No. 112, Greater Bombay, Kalbadevi, Maharashtra-400 002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
50.	7962497	07/08/2009	Vishal Metallurgical works 208,209, Vasan Udyog Bhavan, Off S.B. Marg, Lower Parel, Maharashtra-400 013	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
51.	7962194	07/08/2009	Time Technoplast Ltd., 102, Todi Complex, 35, Sakhi Vihar Road, Andheri (E), Mumbai, Maharashtra-400 072	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
52.	7966004	20/08/2009	Parekh Gold House Pvt. Ltd., 29/A, Siddhpura Industrial Estate, Plot No. 3, Gaywadi Road, Goregaon (W), Maharashtra-400 062	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
53.	7967915	20/08/2009	Polycab Wires Pvt. Ltd., Hico House, 1st Floor, 771, Pandit Satwalekar Marg, Mahim, Maharashtra-400 016	Aluminium Conductors for Overhead Transmission Purposes : Part 5 Aluminium Conductors-Gal Steel Rein- forced for Extra High Voltage (400 Kv and Above)	398	5		1992
54.	7967612	24/08/2009	Kavit Gold, Shop No. 9, Baba Kachru Gaikwad Chawl, Gautam Nagar Rahivasi Seva Sangh, Behram Baug, Jogesh wari, Maharashtra-400 102	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
55.	7967511	25/08/2009	Heerachand Jewellers Pvt. Ltd., 236, Pancharatna Building, Opera House, Mumbai, Maharashtra-400 004	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
56.	7966913	25/08/2009	Shri Saptashringi Ispat Pvt. Ltd., Got No. 228, At Post Lakhmapur, Tal : Dindori, Distt. Nashik, Maharashtra-423 213	High Strength Deformed Steel Bars and Wires for Concrete Reinforcement	1786			1985
57.	7967814	26/08/2009	Mangalore Jewellery Works, 11 & 12-A, Bhiwandiwalla Building, L.N. Road, Matunga (C. Rly.) Maharashtra-400 019	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
58.	7969111	01/09/2009	Maple Mouldins Pvt. Ltd., MSSIDCS Plot No. 24, 2OOD Based, Industrial Complex, Village- Gandhre, Tal-Wada, Dist-Thane, Wada, Maharashtra-421 303	Wooden Flush Door shutters (Solid Core Type): Part I Plywood Face Panels	2202	1		1999
59.	7969212	02/09/2009	Maple Mouldins Pvt. Ltd., MSSIDCS Plot No. 24, 2OOD Based, Industrial Complex, Village- Gandhre, Tal-Wada, Distt.-Thane, Wada, Maharashtra-421 303	Block Boards	1659			2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
60.	7969414	03/09/2009	Mohit Ispat Limited, Plot No. 1, Navelim Village, Bicholim Industrial Estate, Bicholim North Goa, Panjim, Goa-403001	High Strength Deformed Steel Bars and Wires for Concrete Reinforcement	1786			1985
61.	7971094	04/09/2009	Deepsons Ornaments, Shop No. 34, R.N.A. Arcade, Crystal Avenue Co., Op. Soc. Ltd., Lokhandwala Complex, Andheri (W), Maharashtra-400053	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
62.	7970395	07/09/2009	Ambe Metsteel Pvt. Ltd., Gut No. 195, Village Vadavali Uchat Kondla Road, Thane, Wada, Maharashtra-421303	High Strength Deformed Steel Bars and Wires for Concrete Reinforcement	1786			1985
63.	7970601	07/09/2009	Madhur Plast, Shed No. 9, Opp. Sheela Apartment, Radhabai Chowk, Thane, Ulhasnagar, Maharashtra-421003	Conduits for Electrical Installations: Part 3 Rigid Plain Conduits of Insulating materials (Superseding IS : 2509)	9537	3		1985
64.	7975611	07/09/2009	Ultra Polymers, Survey No. 338/2, Nr. Patel Ground, Kachigam, Daman & Diu-396210	Conduits for Electrical Installations: Part 3 Rigid Plain Conduits of Insulating materials (Superseding IS : 2509)	9537	3		1985
65.	7971704	09/09/2009	Royal Plastics, Gut No. 574, 1A/1B, Agra Road, Opp. Ramesh Petrol Pump, Chandnpuri, Shivar, Nashik Malegaon, Maharashtra-423203	High Density Polyethylene Pipes for Potable Water Supplies	4984			1995
66.	797397	09/09/2009	Sadgun Jewellers Pvt. Ltd., Plot No. 97, Phase-II, 3rd Floor, Street No. 16, M.I.D.C. Greater Bombay, Andheri (E), Maharashtra-400093	Silver Silver and Silver Alloys, Jewellery/Artefacts— Fineness and Marking	2112			2003
67.	7971195	09/09/2009	Jewels by Queenie, C 001, I & III, 23, New Poornima Apts., C Wing, Ground Floor, Peddar Road, Mumbai, Maharashtra-400026	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
68.	7971296	09/09/2009	Sadgun Jewellers Pvt. Ltd., Plot No. 97, Phase-II, 3rd Floor, Street No. 16, M.I.D.C. Greater Bombay, Andheri (E), Maharashtra-400093	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
69.	7972605	11/09/2009	Popular Gold, 64, Galleria, Hiranandani Gardens, Powai, Andheri (E), Maharashtra-400076	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
70.	7972096	11/09/2009	Tulsi Extrusions Ltd., Unit I (Moulding Division) N-99, 100-108, MIDC Area Jalgaon, Maharashtra-425003	Unplasticized Polyvinyl Chloride (UPVC) Injection Moulded Fittings for Soil and Waste Discharge System for Inside and Outside Buildings Including Ventilation and Rain Water System	14735			1999
71.	7973809	16/09/2009	Shreeram Jewellers, Vraj Vihar, Shop No. 7, Sec. 17, Opp. Welcome Super Market, Raigarh, AIROLI, Maharashtra-400708	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
72.	7974104	18/09/2009	Shankar Mahadev Enterprises, Swimming Pool Road, Near Budha Vihar, Behind, Municipal Corpn. Ulhasnagar, Maharashtra-421003	Burners for Oil Pressure Stoves and Oil Pressure Heaters	8808			1999
73.	7974508	23/09/2009	Sabine Jewellers, 7, Suratwala Bldg., Raja Rammohan Marg, 211/A, Prarthana Samaj, Charni Road, Maharashtra-400004	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
74.	7975813	29/09/2009	Shangar Jewellers, Shop No. 7-C, Sierra Tower, Lokhandwala, Township, Akruti Road, Greater Bombay, Kandivali (E), Maharashtra-400101	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
75.	7975914	29/09/2009	International Gemological Institute (I) Pvt. Ltd., 402/404, Mani Mahal, 11/21, Mathew Road, Opera House, Mumbai, Maharashtra-400004	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999

	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
7976007	29/09/2009	Kayansh Jewels, 1002, Surya Towers, Nathalal Parekh Marg, Opp. Don Bosco High School, Matunga, Maharashtra-400019	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417				1999
7976916	29/09/2009	Shantilal Jewellers, 65/67, Zaveri Bazar, 2nd Floor Shop No. 7, Mumbai, Maharashtra-400002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417				1999
7976815	01/10/2009	K.G Jewellers Shop No. 801/802, Zaveri Bazar, Siru Chowk, Thane, Ulhasnagar, Maharashtra-421002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417				1999
7979215	08/10/2009	Aabhushan Jewellers, Shop No. 5, Fair Lawn Bldg., Plot No. 182, Opp. Ayyappa Temple, Sec. 17, Nerul, Navi Mumbai, Maharashtra-400706	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417				1999
7979215	01/10/2009	Kamaxi Jewellers, Opp. Bank of Baroda, Near Lohia Maidan, North Goa, Margoa, Goa-403601	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417				1999
7982810	30/10/2009	Dinesh Jewellers, Phatak Shopping Centre, Opp. Old T.M.C. Station Road, Maharashtra-400601	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417				1999
7982911	30/10/2009	Jai Parasnath Jewellers Kakad Market, 3rd Floor, 301/306, Kalbadevi Road, Mumbai, Maharashtra-400002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417				1999
7983004	30/10/2009	KBJ Jewellery Pvt. Ltd., 66/66A, 3rd Floor, KBJ Plaza, Zaveri Bazar, Mumbai, Maharashtra-400002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417				1999
7983105	30/10/2009	A U Finja Jewels, Ground Floor, J.K. Bldg. II, Mehra Estate, L.B.S. Marg, Vikhroli, Mumbai, Maharashtra-400079	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417				1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
85.	7985109	12/11/2009	P. K. Jewels, 4/B, Shyamkamal Agarwal Market, Tejpal Road, Opp. Crunchy Munchy Hotel, Vile Parle (E) Maharashtra-400057	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
86.	7985210	12/11/2009	Pednekar Jewellers, Shop No. A-1, Ground Floor, Bicholim Municipal Market, North Goa	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
87.	7985311	12/11/2009	Rajendra Jewellers Grampanchayat Bldg., Shop No. 9, Station Road, Vasind, Thane, Tal. Shahapur, Maharashtra-421604	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
88.	79869109	20/11/2009	Hemlata Jewellers, Shop No. 33, Station Road, Opp. Bank of Baroda, Thane, Ambarnath (W), Maharashtra-421501	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
89.	7987012	20/11/2009	Mrghraj Jewellers, Station Road, Bazar Peth, Thane (W), Maharashtra-400601	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
90.	7987113	20/11/2009	Shri Suraj Jewellers, 309/45, Station Road, Thane, Ambarnath (E), Maharashtra-421501	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
91.	7987214	20/11/2009	Arihant Jewellers, 7, Venus Apartment, Navghar Road, Thane, Bhayander (E), Maharashtra-401105	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
92.	7987315	20/11/2009	Maas International, 624, Parekh Market, 39, Kennedy Bridge, Opera House, Mumbai, Maharashtra-401105	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
93.	7989723	1/12/2009	Reliance Retail Limited Sanghi Motors Property, 39, A Hughes Road, Next to Westside Retail, Mumbai, Maharashtra-400007	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
94.	7989319	2/12/2009	The Supreme Industries Limited Unit No. III, Gate No. 47, 47/2, 48 to 50, 55 to 66, 69, 70/72 & 73 Jalgaon-	Polypropylene- Random Copolymer Pipes For Hot And Cold Water Supplies	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
			Aurangabad State Highway, at Post Gadegaon, Tal- Jamner, Dist Jalgaon, Maharashtra-425114					
95.	7989925	3/12/2009	Hema Gold & Silver 8, Shamadas Gandhi Marg, Princess Street, Opp. Mangaldas Market, Mumbai, Maharashtra-400002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
96.	7989824	3/12/2009	Relience Retail Limited, Sanghi Motors Property, 39, A Hughes Road, Next to Westside Retail, Mumbai, Maharashtra-400007	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
97.	7990809	9/12/2009	Saurabh Jewellers 99, Bhawani Peth, Saraf Bazar, Jalgaon, Maharashtra-425001	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
98.	7990910	9/12/2009	Patil & Pawar Jewellers, Rajdeep Apartment, Station Road, Navdhar, Thane, Vasai (W), Maharashtra-401202	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
99.	7991003	10/12/2009	Shiv Art Chain Pvt. Ltd., 110/111, Jewel World, Cotton Exchange Bldg., Kalbadevi Junction, Mumbai, Maharashtra-400002	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
100.	7991407	10/12/2009	Prime Plastics 34, Sethi Indl. Estate, 2nd Floor, 10-E Suren Road, Andheri (E) Maharashtra-400093	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
101.	7992106	15/12/2009	Hardik Saraf Shiv Road, Birla Gate, Thane, Ulhasnagar, Maharashtra	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
102.	7993411	22/12/2009	Austone 507, Aarpee Bushan Centre, MIDC, Road No. 11, GUFIC Compound, Behind Tunga Paradise, Andheri, Maharashtra-400093	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
103.	7994514	24/12/2009	Minakshi Jewellers Tarapur Road, Chitralay, Opp. B.A.R.C. Gate, Thane, Boisar (W) Maharashtra-401504	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
104.	7995516	31/12/2009	Balagi Industries Sector 17, Opp. Sangam Travels, Near BK No. 825, Ulhasnagar, Maharashtra-421003	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
105.	7996417	6/1/2010	Mahesh Jewellers Deepmani Apartment, Opp. Ailway Gate, Thane, Badlapur East, Maharashtra-421503	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
106.	7996518	6/1/2010	Raj Jewellers Shop No. 90, L K Market, 3rd Lane, Zaveri Bazar, Maharashtra-400002	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
107.	7997116	8/1/2010	Manhar Jewellers 3, Qureshi Mahal, MMC Road, Mahim, Maharashtra-400016	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
108.	7997217	8/1/2010	Zaveri Chand Bhurabhai Zaveri 56/A, Ground Floor, Zariwala Mansion, Huges Road, Gamevi, Zaveri Bazar, Maharashtra-400002	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
109.	7997318	8/1/2010	Addora Jewels 147-C, Panchratna, M P Marg, Opera House, Maharashtra-400004	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
110.	7997419	8/01/2010	Suresh Jewellers 101, 1st Cotton Exchange Building, 175, Kalbadevi Road, Maharashtra-400002	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
111.	7997722	11/01/2010	SKY Gold Pvt. Ltd., Room No. 9, 2nd Floor, 60/62, Govind Niwas, Dhanji Street, Mumbai, Maharashtra-400003	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
112.	7997823	11/01/2010	Temple Designs LLP Plot No. R-1, 2nd Floor, Cama Indl. Estate, Walbhat Road, Opp. Bajang Nagar, Goregaon (East), Maharashtra-400063	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
113.	7997924	11/01/2010	K. P. Industries Shubh Industrial Estate, Sector No. 2, Gala No. 11, Gaurai Pada, Thane, Vasai (E), Maharashtra-401208	Wrought Aluminium Utensils- Part 1 : Cooking Table, Serving Storing and Banking Utensils	1660	1		1982
114.	7998926	11/01/2010	Kitec Industries (India) Ltd., Survey No. 99/2, Madhuban Indl. Area, Madhuban Dam Road, Rokholi, Silvassa, Dadra and Nagar Haveli-396230	UPVC Pipes for Soil and Waste Discharge Systems Inside Buildings including Ventilation and Rainwater System	13592			1992
115.	7999019	19/01/2010	Milan Jewellers Bldg. No. 213, 4, Behram Mansion, Near Worli Post Office, Worli, Maharashtra-400018	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
116.	7999120	19/01/2010	Rani International 35-D, Sneha Sadan, 101/102, Main Avenue Road, Santacruz West, Maharashtra-400054	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
117.	7999221	19/01/2010	Keshrimal Kapurchand & Co. Vishnu Mandir Chawl, Bazar Peth, Gheladevi Chowk, Thane, Kalyan (West) Maharashtra-421301	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
118.	3603449	20/01/2010	Galada Power & Telecommunication Ltd., Survey No. 319, Behind Ispl Ind. Ltd., Village Khadoli, P. O. Rakholi, Silvassa, Dadra and Nagar Haveli-396230	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
119.	3600342	20/01/2010	Uzuri Jewels Pvt. Ltd., 211/212, Keytuo Indl., Estate, Near MIDC Police Station Andheri East, Maharashtra-400059	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
120.	3600544	21/01/2010	Gold Star Jewellery India Pvt. Ltd., Plot No. 8, Royal Star Arcade, Western Indl. Estate, Opp. Seepzses, MIDC Andheri (E) Maharashtra	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999
121.	3600645	21/01/2010	Kajal Gold Palace Shop No. 4, Pranit Apartment, Fodrej Hill Road, Khadakpada, Thane, Kalyan West, Maharashtra-421301	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
122.	3601243	25-01-2010	Pednerkar Jewellers Pvt Ltd. Sai Sneha, Opp. IDBI Bank Behind MTNL M.L. Co. Housing Society Road, Old Panvel, Raigarh, Panvel Maharashtra-410206	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking	1417			1999
123.	3601344	25-01-2010	Takle Gems & Jewellery Shop No. 25, Woodland Towers, Old Gangapur Naka, Nashik, Maharashtra-422002	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking	1417			1999
124.	3601445	25-01-2010	Ravi Jewellers Shop No. 5, Bhima Savitri Building, Station Road, Katemanivali Thane, Kalyan, Maharashtra-421306	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking	1417			1999
125.	3602649	29-01-2010	Mayura Jewellers 8, Hansa Villa, Near Apna Bazar, Jawaharlal Nehru Road, Mulund (W), Maharashtra-400080	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking	1417			1999
126.	3602447	01-02-2010	Prince Pipes & F Fittings Pvt. Ltd. 132/1/1/3, Athal Road, Village Athal, Silvassa Dadra And Nagar Haveli-396230	Polypropylene-Random Copolymer Pipes For Hot and Cold Water Supplies	15801			2008
127.	3606354	09-02-2010	Ashpura Jewellers Shop No.6, Janardan Arcade, Opp. Bank of Baroda, Main Road, Thane, Dahanu Road, Maharashtra-401602	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking	1417			1999
128.	3607255	09-02-2010	Kitec Industries (India) Ltd. Survey No. 99/2-P. 8 Madhuban Indis Area, Madhuban Dam Road, Rakholi, Silvassa, Dadra And Nagar Haveli-396230	High Density Polyethylene Pipes For Potable Water Supplies	4984			1995
129.	3606758	12-02-2010	Suvarmaraj India Pvt. Ltd. 1 & 2/7, Backbay View, 4th Floor, 3-A, Mama Parmanand Marg, Mumbai, Maharashtra-400004	Silver And Silver Alloys, Jewellery/Artefacts—Fineness And Marking	2112			2003

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
130.	3606657	12-02-2010	Suvarnaraj India Pvt. Ltd. 1 & 2/7, Backbay View, 4th Floor, 3-A, Mama Parmanand Marg, Mumbai, Maharashtra- 400004	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
131.	3606960	12-02-2010	Mohanlal Puranchand & Sons 32/34, Rajwadkar Street, Colaba Market, Colaba, Mumbai, Maharashtra-400005	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
132.	3607457	15-02-2010	Indigo Jewellery Pvt. Ltd. 5, L.K. Arcade, Marol Junction, Sir M. V. Road, Ahmadnagar, Andheri (E) Maharashtra-400059	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
133.	3607558	16-02-2010	Future Value Retail Limited (Big Bazar Store Throughout India with Its Jewellery Section Navaras) Knoqledge House, Shyam Nagar, Maharashtra-410206	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
134.	3607861	18-02-2010	Super Plast Company H-118, 121, Ansa Industrial Estate, Saki Vihar Road, Andheri East, Maharashtra-400072	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
135.	3611852	26-02-2010	Vatungal Sons Jewellers Shop No. 158/159, Siru Chowk Thane, Ulhasnagar, Maharashtra-421002	Gold and Gold Alloys, Jewellery/Artefacts Fineness And Marking	1417			1999
136.	3611650	26-02-2010	Mega Plast Chalta No. 71, Sheet No. 30, Amit Industrial Area, Bhauji Nagar, Vithal Wadi, Rly. Station Road, Near New India Saw Mill, Ulhasnagar Maharashtra-421003	Electrical Installations : Part 3 Rigid Plain Conduits of Insulating Materials Superseding IS : 2509)	9537	3		1983
137.	3612046	02-03-2010	Confidence Petroleum India Ltd. Unit-II Survey No. 34/1, 34/2, Village Paud, Raigarh, Khalapur Maharashtra-410207	Welded Low Carbon Steel Cylinders Exceeding 5 Litre Water Capacity for Low Pressure Liquefiable Gases- Part 1 : Cylinders for Liquefied Petroleum Gases (LPG)	3196	1		2006

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
138.	3613048	08-03-2010	Vijay Sabre Safety Pvt. Ltd. Plot No. 35, Chandivali Village, Off. Saki Vihar Road, Andheri (East) Mumbai, Maharashtra-400072	Industrial Safety Helmets	2925			1984
139.	3613553	09-03-2010	Krishna Jewellers Shop No. 25, Prabhakar Naik Shopping Complex, Opp. Bhaji Market, Thane, Wada, Maharashtra-421303	Gold and Gold Alloys, Jewellery/Artefacts Fineness And Marking	1417			1999
140.	3614454	10-03-2010	Maple Moulding Pvt. Ltd. M.S.S.I.C. Plot No. 24, Wood Base Industrial Complex, Village Gandhre, Thane, Wada, Maharashtra-421303	Plywood for General Purposes	303			1989
141.	3616054	17-03-2010	Sanguine Industries Office No. 20, 1st Floor, Parekh Market, 39 JSS Road, Opera House, Maharashtra-400004	Gold and Gold Alloys, Jewellery/Artefacts Fineness And Marking	1417			1999
142.	3617561	25-03-2010	Asian Plywood Gate No. 214, Village Shivle, Taluka Murbad, Dist. Thane, Maharashtra-421301	Plywood for General Purposes	303			1989
143.	3619262	31-03-2010	Mishrilal Saraf H. No. 2/3151/1, Saraf Bazar, Gandhi Chowk, Jalgaon Bhusaval, Maharashtra-425201	Gold and Gold Alloys, Jewellery/Artefacts Fineness And Marking	1417			1999
144.	3619363	31-03-2010	Radheyshyam Mishrilal Saraf & Sons H. No. 2/3151/1, C.S. No. 1343 Saraf Bazar, Gandhi Chowk, Jalgaon Bhusaval, Maharashtra-425201	Gold and Gold Alloys, Jewellery/Artefacts Fineness And Marking	1417			1999
145.	3619666	31-03-2010	R.R. Raikar Jewellers Clovis Dcosta Road, Near M.G. Market, North Goa, Margoa Goa-403601	Gold and Gold Alloys, Jewellery/Artefacts Fineness And Marking	1417			1999

[No. CMD/13; 11]

Dr. S. L. PALKAR, Director & Head (MDM-II)

कोयला मंत्रालय

आदेश

नई दिल्ली, 26 अगस्त, 2011

का.आ. 2347.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 582 तारीख 18 फरवरी, 2011 जो भारत के राजपत्र के भाग-II, खण्ड-3, उप-खण्ड (ii) तारीख 26 फरवरी, 2011 में प्रकाशित होने पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में, या उस पर के सभी अधिकार, (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे।

और केन्द्रीय सरकार को यह समाधान हो गया है कि साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, डाकघर संख्या 60, जिला-बिलासपुर-495 006 (जिसे इसमें इसके पश्चात् उक्त सरकारी कंपनी कहा गया है) ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए तैयार है ;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अधिग्रहण और विकास) अधिनियम, 1957 की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त 45.996 हेक्टर (लगभग) भूमि और उस पर के सभी अधिकार, तारीख 26 फरवरी, 2011 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाए, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :-

1. उक्त सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसान और वैसी ही मदों की बाबत किए गये सभी सदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
2. उक्त सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त कंपनी द्वारा वहन किये जायेंगे और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकार के लिये या उसके संबंध में जैसे अपील आदि सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, इसी प्रकार उक्त सरकारी कंपनी द्वारा वहन किये जाएंगे ;
3. उक्त सरकारी कंपनी, केन्द्रीय सरकार या उसके पदाधारियों की, ऐसे किसी अन्य व्यय के संबंध में, क्षतिपूर्ति करेगी, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदाधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;
4. उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और भूमि में या उसके ऊपर इस प्रकार निहित अधिकार को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी ; और
5. उक्त सरकारी कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिए जाएं या अधिरोपित की जाए, पालन करेगी।

[फा. सं. 43015/20/2009-पी आर आई डब्ल्यू-1]

एस. सी. भाटिया, निदेशक

MINISTRY OF COAL

ORDER

New Delhi, the 26th August, 2011

S.O. 2347.—Whereas, on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 582, dated the 18th February, 2011 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated the 26th February, 2011, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the lands and all rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And whereas, the Central Government is satisfied that the South Eastern Coalfields Limited, Seepat Road, Post Box number 60, District Bilaspur-495 006 (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Central Government hereby directs that the said lands measuring 45.996 hectares (approximately) and all rights in or over the said lands so vested shall with effect from the 26th February, 2011, instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely :—

1. The said Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act ;
2. A Tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Government Company under conditions (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said lands, so vested, shall also be borne by the Government Company ;
3. The said Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vested ;
4. The said Government Company shall have no power to transfer the said land to any other persons without the previous approval of the Central Government ; and
5. The said Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said land, as and when necessary.

[F.No. 43015/20/2009-PR[W-I]]

S. C. BHATIA, Director

आदेश

नई दिल्ली, 29 अगस्त, 2011

का.अ. 2348.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.अ. 3031 तारीख 28 अक्टूबर, 2009 को भारत के राजपत्र, भाग-II, खण्ड-3, उप-खण्ड (ii) तारीख 7 नवम्बर, 2009 में प्रकाशित होने पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) में खनिज के खनन, खदान, बोर करने, उनकी खुदाई करने और खनिजों को तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के लिए अधिकार उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए ;

और केन्द्रीय सरकार का समाधान हो गया है कि वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है) ऐसे निबंधनों और शर्तों का, जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करना अचित समझे, अनुपालन करने के लिए तैयार है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि इस प्रकार निहित उक्त भूमि में और उस पर के पूर्वोक्त अधिकार, केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाए, तारीख 7 नवम्बर, 2009 से निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :-

1. सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानों और वैसी ही मदों की बाबत किए गये सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
2. सरकारी कंपनी द्वारा शर्त (1) के अधीन केन्द्रीय सरकार को सदैव रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी द्वारा वहन किये जायेंगे और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में अपील आदि सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, इस प्रकार सरकारी कंपनी द्वारा वहन किए जाएंगे ;
3. सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी, जो इस प्रकार निहित उक्त भूमि में या उस पर के पूर्वोक्त अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;
4. सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि में पूर्वोक्त अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी ; और
5. सरकारी कंपनी, ऐसे निर्देशों और शर्तों का जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए किए जाएं या अधिरोपित किए जाएं पालन करेगी ।

[फा. सं. 43015/1/2005-पी आर आई डब्ल्यू-1]

एस. सी. भाटिया, निदेशक

ORDER

New Delhi, the 29th August, 2011

S.O. 2348.— Whereas, on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 3031, dated the 28th October, 2009, in Part-II, Section-3, Sub-section (ii) of Gazette of India, dated the 7th November, 2009, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the rights to mine quarry, bore dig and search for win, work and carry away minerals in the lands described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And whereas, the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby directs that the aforesaid rights in or over the said land so vested shall with effect from 7th November, 2009 instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely :—

1. The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;

2. A Tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Government Company under conditions (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said lands, so vested, shall also be borne by the Government Company;

3. The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the aforesaid rights in the said lands so vested;

4. The Government Company shall have no power to transfer the aforesaid rights in the said lands so vested to any other persons without the prior approval of the Central Government; and

5. The Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said land, as and when necessary.

[F.No. 43015/1/2005-PRIW-I]

S. C. BHATIA, Director

नई दिल्ली, 29 अगस्त, 2011

का.आ. 2349.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है ;

उक्त अनुसूची में विहित भूमि के अंतर्गत आने वाले क्षेत्र के ब्यौरे रेखांक संख्या एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/403 तारीख 17 मार्च, 2011 का निरीक्षण कलेक्टर, उमरिया (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, कांउंसिल हाऊस स्ट्रीट, कोलकाता- 700001 के कार्यालय में या साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है ।

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि से कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है ;

उक्त अनुसूची में विहित भूमि में हितबद्ध कोई व्यक्ति—

(i) संपूर्ण भूमि या उसके किसी भाग के अर्जन या ऐसी भूमि में या उस पर के किन्हीं अधिकारों के प्रति आक्षेप कर सकेगा; या

(ii) भूमि में के किसी हित के प्रतिकर या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का दावा कर सकेगा; या

(iii) प्रभावहीन हो गई पूर्वोक्षण अनुज्ञप्तियों, खनन पट्टों के अधीन अर्जित किये जाने पर अधिकारों के लिए प्रतिकर प्राप्त कर सकेगा और उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट भूमि के कोरों से संग्रहण या अन्य खनिज नमूनों तथा उनके सम्यक् विश्लेषण को तथा किसी अन्य सुसंगत अभिलेख या सामग्रियों की निर्मित से संबंधित सभी मानचित्र चार्ट और अन्य दस्तावेज

परिदत्त कर सकेगा।

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व) साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) को भेजेंगे।

अनुसूची

पिनौरा डिपिलरिंग ब्लॉक फेज-II

जोहिला क्षेत्र

जिला-उमरिया (मध्य प्रदेश)

(रेखांक संख्या एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/403 तारीख 17 मार्च, 2011)

तहसील-नौरोजाबाद				जिला-उमरिया	
क्रम सं.	ग्राम का नाम	जनरल संख्यांक	पटवारी हल्का संख्यांक	क्षेत्रफल (हेक्टर में)	टिप्पणियां
1	2	3	4		6
1.	देवरी अमहाई	334	67	41.003	भाग
2.	पिनौरा	413	67	41.003	भाग

कुल :- 103.000 हेक्टर (लगभग)

या 254.51 एकड़ (लगभग)

सीमा वर्णन :

क-ख : रेखा ग्राम देवरी अमहाई-महुरा के सम्मिलित सीमा में बिन्दु 'क' से आरंभ होती है और ग्राम देवरी अमहाई के मध्य भाग से होती हुई ग्राम पिनौरा में प्रवेश करती है और ग्राम पिनौरा के मध्य भाग से होती हुई बिन्दु 'ख' पर मिलती है।

ख-ग : रेखा ग्राम पिनौरा के पश्चिमी भाग से होती हुई ग्राम पिनौरा में बिन्दु 'ग' पर मिलती है।

ग-घ : रेखा ग्राम पिनौरा से होती हुई ग्राम देवरी अमहाई में प्रवेश करती है और ग्राम देवरी अमहाई के दक्षिणी भाग से होती हुई ग्राम देवरी अमहाई-महुरा के सम्मिलित सीमा में बिन्दु 'घ' पर मिलती है।

घ-क : रेखा ग्राम देवरी अमहाई-महुरा के भागतः सम्मिलित सीमा से होती हुई आरंभिक बिन्दु 'क' पर मिलती है।

[फा. सं. 43015/05/2011-पी.आर.आई.डब्ल्यू-1]

एस. सी. भाटिया, निदेशक

New Delhi, the 29th August, 2011

S. O. 2349.—Whereas, it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule annexed hereto;

And whereas, the plan bearing number SECL/BSP/GM (PLG)/Land/403, dated the 17th March, 2011 containing details of the area of land described in the said Schedule may be inspected at the office of the Collector, Umariya (Madhya Pradesh) or at the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh);

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from lands described in the said schedule ;

Any persons interested in the land described in the said Schedule may -

- (i) Object to the acquisition of the whole or any part of the land, or of any rights in or over such land, or
- (ii) claim an interest in compensation if the land or any rights in or over such land, or
- (iii) seek compensation for prospecting licences ceasing to have effect, rights under mining lease being acquired, and deliver all maps, charts and other documents relating to the land, collection from the land of cores or other mineral samples and due analysis thereof and the preparation of any other relevant record or materials referred to in sub-section (7) of Section 13 of the said Act.

to the Office-In-Charge or Head of the Department (Revenue) South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Chhattisgarh); within a period of ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

PINOURA DEPIILLARING BLOCK, Phase-IIInd

JOHILLA AREA

DISTRICT—UMARIA (MADHYA PRADESH)

[Plan bearing number SECL/BSP/GM (PLG)/Land/403, dated the 17th March, 2011]

TAHSIL-NOWROZABAD

DISTRICT-UMARIA

Sl. No.	Name of Village	General Number	Patwari Halka Number	Area in hectares	Remarks
1	2	3	4	5	6
1.	Deori Amhai	334	67	61.997	Part
2.	Pinoura	413	67	41.003	Part

**TOTAL : 103.000 Hectares (approximately)
or 254.51 acres (approximately)**

BOUNDARY DESCRIPTION:

- A-B Line starts from Point 'A' on the common boundary of village Mahura-Deori Amhai and passes through middle part of village Deori Amhai then enter and passes through middle part of village Pinoura and meets at Point 'B'.
- B-C Line passes through western part of village Pinoura and meets at Point 'C'.
- C-D Line passes through southern part of village Pinoura then enter and passes through southern part of village Deori Amhai and meets at Point 'D' on the common boundary of villages Mahura-Deori Amhai.
- D-A Line passes along partly common boundary of village Mahura-Deori Amhai and meets at starting Point 'A'.

[F. No. 43015/05/2011-PRIW-I]

S. C. BHATIA, Director

नई दिल्ली, 29 अगस्त, 2011

का.आ. 2350.—केन्द्रीय सरकार को यह प्रतीत होता है, कि इससे उपाबद्ध अनुसूची में उल्लेखित परिक्षेत्र की भूमि में कोयला अभिप्राप्त होने की संभावना है ;

और उक्त अनुसूची में वर्णित भूमि के क्षेत्र के अंतर्विष्ट अतः अब इस असूचना के अंतर्गत आने वाले रेखांक संख्या सी-1(ई)III/एफएफआर/858-0511 तारीख 20 मई, 2011 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व विभाग) कोल इस्टेट, सिविल लाईन्स, नागपुर - 440001 (महाराष्ट्र) के कार्यालय में या मुख्य महाप्रबंधक (एक्सप्लोरेशन प्रभाग), केन्द्रीय खान योजना एवं डिजाइन संस्थान,

गोंडवाना पॅलेस, कांके रोड, रांची - 834 001 के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता - 700 001 के कार्यालय में या जिला कलेक्टर जिला-बैतूल (मध्य प्रदेश) के कार्यालय में किया जा सकता है ;

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इसमें कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है ।

उक्त अनुसूची में विहित भूमि में हितबद्ध कोई व्यक्ति—

- (i) संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप, या
- (ii) भूमि या ऐसी भूमि में या पर कोई अधिकार के प्रतिकर के हित के यदि कोई दावा, या
- (iii) खनन पट्टा अर्जन करने के अधीन अधिकारों की पूर्वोक्षण अनुज्ञप्ति प्रभावहीन हो जाने और भूमि संबंधी सभी नक्शे, चार्टों तथा अन्य दस्तावेजों का परिदान, अयस्क्यों या अन्य खनिजों के नमूनों का संग्रहण और उनका सम्यक् विश्लेषण करने के लिए तथा उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट कोई अन्य सुसंगत अभिलेखों या सामग्रियों की तैयारी कि लिए प्रतिकर ।

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिनों के भीतर, मुख्य महाप्रबंधक वेस्टर्न कोलफील्ड्स लिमिटेड, पाथाखेड़ा क्षेत्र, पोस्ट पाथाखेड़ा, तहसील घोड़ाडोंगरी, जिला - बैतूल (मध्य प्रदेश) या महाप्रबंधक वेस्टर्न कोलफील्ड्स लिमिटेड, भूमि और राजस्व विभाग कोल ईस्टेट, सिविल लाईन्स, नागपुर-440 001 (महाराष्ट्र) को भेजेगा ।

अनुसूची

तावा - III अंडरग्राउंड माईन

पाथाखेड़ा क्षेत्र

जिला - बैतूल (मध्य प्रदेश)

(ब्यौरे रेखांक संख्या सी-1(ई)/III/एफएफआर/858-0511 तारीख 20 मई, 2011)

“सभी अधिकार”

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्या	कम्पार्टमेंट संख्या	तहसील	जिला	क्षेत्रफल (हेक्टर में)				टिप्पणियां
						निजी	सरकारी	वन	कुल	
1.	गांधीग्राम	78	174/2	घोड़ा-डोंगरी	बैतूल	0.00	0.00	7.650	7.650	भाग

कुल क्षेत्र : 7.650 हेक्टर (लगभग)

या 18.903 एकड़ (लगभग)

“खनन अधिकार”

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्या	कम्पार्टमेंट संख्या	तहसील	जिला	क्षेत्रफल (हेक्टर में)				टिप्पणियां
						निजी	सरकारी	वन	कुल	
1.	भोगई खापा	22	11	घोड़ा-डोंगरी	बैतूल	40.820	0.190	0.00	41.010	भाग
2.	गांधीग्राम	78	-	घोड़ा-डोंगरी	बैतूल	11.601	3.639	0.00	15.240	भाग
3.	गांधीग्राम	78	174/2 और 11	घोड़ा-डोंगरी	बैतूल	0.00	0.00	25.866	25.866	भाग

कुल क्षेत्र : 82.116 हेक्टर (लगभग)

या 202.908 एकड़ (लगभग)

“सभी अधिकार” +	“खनन अधिकार”	=कुल क्षेत्रफल
7.650 +	82.116	= 89.766 हेक्टर (लगभग)
		या
18.903 +	202.908	= 221.811 एकड़ (लगभग)

सीमा वर्णन :

“सभी अधिकार”

क-ख-ग-घ-ङ-

च-छ-ज-क : रेखा बिन्दु 'क' तावा एक्सटेंशन ब्लाक की अधिग्रहित विद्यमान खनन क्षेत्र से आरंभ होती है और बिन्दु 'ख'-'ग'-'घ'-'ङ'-'च'-'छ'-'ज' के पास से गुजरती हुई आरंभिक बिन्दु 'क' पर मिलती है।

“खनन अधिकार”

झ-ञ-ट : रेखा बिन्दु 'झ' ग्राम गांधीग्राम में तावा एक्सटेंशन ब्लाक क्षेत्र की विद्यमान सीमा से लगकर आरंभ होती है फिर बिन्दु 'ज' के पास से गुजरती हुई और ग्राम गांधीग्राम और ग्राम भोगई खापा की सम्मिलित ग्राम सीमा पर बिन्दु 'ट' पर मिलती है।

ठ-ड : रेखा विद्यमान पीकेडी-III ब्लाक की सीमा से लगकर गुजरती है और बिन्दु 'ठ' पर मिलती है।

ड-ढ-ढ : रेखा ग्राम भोगई खापा से होकर गुजरती है फिर बिन्दु 'ड' के पास से गुजरती हुई और ग्राम भोगई खापा और ग्राम गांधीग्राम की ग्राम सीमा पर बिन्दु 'ढ' पर मिलती है।

ढ-ण-झ : रेखा ग्राम गांधीग्राम से होकर गुजरती है फिर बिन्दु 'ण' के पास से गुजरती हुई और आरंभिक बिन्दु 'झ' पर मिलती है।

[फा.सं. 43015/4/2011 पीआरआईडब्ल्यू-1]

एस. सी. भाटिया, निदेशक

New Delhi, the 29th August, 2011

S. O. 2350.—Whereas, it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule annexed hereto;

And Whereas, the plan bearing number C-1(E)III/FFR/858 - 0511, dated the 20th May, 2011 containing of the areas of lands described in the said Schedule may be inspected at the office of the Western Coalfields limited (Revenue Department), Coal Estate, Civil Lines, Nagpur - 440 001 (Maharashtra) or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Palace, Kanke Road, Ranchi - 834 001 or at the office of the Coal Contoller, 1, Council House Street, Kolkata - 700001 or at the office of the District Collector, District -Betul (Madhya Pradesh) ;

Now, therefore, in exercise of the powers conferred by sub-Section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein ;

Any persons interested in the land described in the said Schedules may -

- (i) Object to the acquisition of the whole or any part of the land, or of any rights in or over such land, or
- (ii) claim an interest in compensation if the land or any rights in or over such land, or
- (iii) seek compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired, and deliver all maps, charts and other documents relating to the land, collection from the land of cores or other mineral samples and due analysis thereof and the preparation of any other relevant record or materials referred to in sub-section (7) of Section 13 of the said Act.

to the Office of the Chief General Manager, Western Coalfields Limited, Pathakhara Area, Post Pathakhara, Tahsil Ghoradongri, District- Betul (Madhya Pradesh) or General Manager, Western Coalfields Limited, Land and Revenue Department, Coal Estate, Civil Lines, Nagpur - 440 001 (Maharashtra) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE
TAWA-III UNDERGROUND MINE
PATHAKHERA AREA
DISTRICT—BETUL (MADHYAPRADESH)

[Plan bearing number C-1(E)III/FFR/855 - 0511, dated the 20th May, 2011]

“ALL RIGHTS”

Sl. No.	Name of Village	Patwari Circle Number	Compartment Number	Tahsil	District	Area (in hectares)				Remarks
						Ten.	Govt.	Forest	Total	
1.	Grandhigram	78	174/2	Ghora-dongri	Betul	0.00	0.00	7.650	7.650	Part

Total area: 7.650 hectares (approximately)
or 18.903 acres (approximately)

“MINING RIGHTS”

Sl. No.	Name of Village	Patwari Circle Number	Compartment Number	Tahsil	District	Area (in hectares)				Remarks
						Ten.	Govt.	Forest	Total	
1.	Bhogai Khapa	22	-	Ghora-dongri	Betul	40.820	0.190	0.00	41.010	Part
2.	Gandhigram	78	-	Ghora-dongri	Betul	11.601	3.639	0.00	15.240	Part
2.	Gandhigram	78	174/2 & 11	Ghora-dongri	Betul	0.00	0.00	25.866	25.866	Part

Total area : 82.116 hectares (approximately)
or 202.908 acres (approximately)

“ALL RIGHTS”	+	“MINING RIGHTS”	=	TOTAL AREA
7.650	+	82.116	=	89.766 hectares (approximately)
			OR	
18.903	+	202.908	=	221.811 acres (approximately)

BOUNDARY DESCRIPTION:

“ALL RIGHT”

A-B-C-D-E-

F-G-H- Line starts from Point ‘A’ on existing acquired mining rights of Tawa Extension Block and passes nearby Point A: ‘B’-‘C’-‘D’-‘E’-‘F’-‘G’-‘H’ and meets at starting Point ‘A’.

“MINING RIGHTS”

I-J-K: Line starts from Point ‘I’ along existing boundary line of Tawa Extension Block in village Gandhigram then passes nearby Point ‘J’ and meets at Point ‘K’ on common village boundary of villages Gandhigram and Bhogai Khapa.

K-L: Line passes along boundary of existing PKD-III and meets at Point 'L'.

L-M-N: Line passes through village Bhogai Khapa then passes nearby Point 'M' and meets at Point 'N' on village boundary of villages Bhogai Khapa and Gandhigram.

N-O-I: Line passes through village Gandhigram then passes nearby Point 'O' and meets at starting Point 'I'.

[F. No. 43015/4/2011-PRIW-I]

S. C. BHATIA, Director

नई दिल्ली, 29 अगस्त, 2011

का.आ. 2351.—केन्द्रीय सरकार, ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 1584 तारीख 21 जून, 2010 द्वारा जो भारत के राजपत्र भाग-II, खण्ड-3, उप-खण्ड (ii) तारीख 26 जून, 2010 में प्रकाशित की गई थी, उस अधिसूचना से उपाबद्ध अनुसूची में यथा विनिर्दिष्ट अवस्थापन में ऐसी भूमि में, या उस पर के सभी अधिकारों के अर्जन करने के अपने आशय की सूचना दी थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इसे संलग्न अनुसूची में यथा वर्णित 692.18 हेक्टर (लगभग) या 1710.37 एकड़ (लगभग) माप वाली भूमि और ऐसी भूमि में या उस पर के सभी अधिकार अर्जित किए जाने चाहिए ;

अतः अब केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि अनुसूची में वर्णित 692.18 हेक्टर (लगभग) या 1710.37 एकड़ (लगभग) माप वाली भूमि में या उस पर के सभी अधिकार अर्जित किए जाते हैं ।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक संख्या सी-1(ई)/III/जेजेएनआर/844-1110, तारीख 24 नवम्बर, 2010 का निरीक्षण कलेक्टर, यवतमाल (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता (पिन-700001 के कार्यालय में या महाप्रबंधक वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में किया जा सकता है ।

अनुसूची

कोलार पिंपरी एक्सटेंशन ओपनकास्ट ब्लॉक

वणी नार्थ एरिया

जिला-यवतमाल (महाराष्ट्र)

[रेखांक संख्या सी-1(ई)/III/जेजेएनआर/844-1110, तारीख 24 नवम्बर, 2010]

सभी अधिकार :

'भाग -क'

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	(क्षेत्रफल हेक्टर में)	टिप्पणियां
1	2	3	4	5	6	7
1.	कोलेरा	32	वणी	यवतमाल	130.00	भाग
2.	कोना	31	वणी	यवतमाल	125.00	भाग
3.	ब्राहमणी	32	वणी	यवतमाल	298.00	भाग

कुल :- 553.00 हेक्टर (लगभग)

या 1366.46 एकड़ (लगभग)

सभी अधिकार :

'भाग -ख'

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्रफल हेक्टर में	टिप्पणियां
1	2	3	4	5	6	7
1.	कोवरी	31	वणी	यवतमाल	1.75	भाग

कुल :- 1.75 हेक्टर (लगभग)

या 4.32 एकड़ (लगभग)

सभी अधिकार :

'भाग -ग'

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	(क्षेत्रफल हेक्टर में)	टिप्पणियां
1	2	3	4	5	6	7
1.	गोवारी	31	वणी	यवतमाल	14.50	भाग

कुल :- 14.50 हेक्टर (लगभग)

या 35.83 एकड़ (लगभग)

सभी अधिकार :

'भाग -घ'

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	(क्षेत्रफल हेक्टर में)	टिप्पणियां
1	2	3	4	5	6	7
1.	गोवारी	31	वणी	यवतमाल	41.77	भाग
2.	पिपरी	32	वणी	यवतमाल	1.16	भाग
3.	आगासी	32	वणी	यवतमाल	80.00	भाग

कुल :- 122.93 हेक्टर (लगभग)

या 303.76 एकड़ (लगभग)

कुल क्षेत्र (सभी अधिकार) :

'भाग-क'	+	'भाग-ख'	+	'भाग-ग'	+	'भाग-घ'	=	कुल क्षेत्रफल
553.00	+	1.75	+	14.50	+	122.93	=	692-18 हेक्टर (लगभग)
				या				
1866.46	+	4.32	+	35.83	+	303.76	=	1710.37 एकड़ (लगभग)

ग्राम में अर्जित किए गए प्लॉट संख्यांक :

‘भाग-क’

ग्राम कोलेरा में अर्जित किए गए प्लॉट संख्यांक :

124/1, 124/2, 130/1, 130/2, 131, 132, 133, 134/1, 134/2, 134/3, 134/4, 135, 136, 137/1, 137/2, 138, 139/1, 139/2, 140, 141, 142, 143, 144/1, 144/2, 145/1, 145/2, 145/3, 146, 147, 148, 149/1, 149/2, 150, 151/1, 151/2, 152, 156/1, 156/2, 157, 158, 159, 160, सरकारी सड़क, 163, 164, 165, 166, 167, 168/1, 168/2, 169, 170/1, 170/2, 171/1, 171/1क, 171/2, 171/3क, 171/3ख, 171/4, 172/1, 172/2, 172/3क, 172/3ख, 172/3ग, 173/1, 173/2, 174/1, 174/2, 175 ।

ग्राम कोना में अर्जित किए गए प्लॉट संख्यांक :

94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104/1, 104/2, 105, 106, 107, 108/1, 108/2, 112/1, 112/2, 112/3, 113, 114, 115, 116/1, 116/2, 117/1, 117/2क, 117/2ख, 118/1, 118/2क, 118/2ख, 119/1, 119/2, 120, 121/1, 121/2, 122, 123, 124, 125/1क, 125/1ख, 125/2क, 125/2ख, 126/1, 126/2, 136/1, 136/2, 136/3, 137/1, 137/2, 141, 142, 143, 144, 145, 146, 147/1, 147/2, 148/1, 148/2, 148/3, 149, 150, 151, 152, 153, 154, 155, 159, 160/1, 160/2, 160/3, 172/1, 172/2, सरकारी सड़क ।

ग्राम ब्राह्मणी में अर्जित किए गए प्लॉट संख्यांक :

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20/1, 20/2, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39/1, 39/2, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55/1क, 55/1ख, 55/2, 55/3, 55/4, 56/1, 56/2, 56/3, 56/4, 57/1, 57/2, 57/3, 58/1, 58/2, 58/3, 59, 60, 61, 62, 63, 64, 65/1, 65/2, 65/3, 66, 67, 72, 73, 74, 75, 76, 77, 78, 79/1क, 79/1ख, 79/2, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92/1, 92/2, 92/3, 93, 94, 95/1, 95/2, 96, 97/1, 97/2, 98/1क, 98/1ख, 98/2, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114/1, 114/2, 115, 116, 117, 118, 119, 120, 121, 122, 123/1, 123/2, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, सरकारी सड़क ।

‘भाग-ख’

ग्राम गोवारी में अर्जित किए गए प्लॉट संख्यांक :

95

‘भाग-ग’

ग्राम गोवारी में अर्जित किए गए प्लॉट संख्यांक :

1, 2, 3, 4, सरकारी आबादी, 5/1, 5/2, 5/3, 150, 151, 152 ।

‘भाग-घ’

ग्राम गोवारी में अर्जित किए गए प्लॉट संख्यांक :

9/1, 9/2, 10/1, 10/2, 10/3, 11/1, 11/2, 12/1, 12/1क, 12/2, 13/1, 13/2, 13/3, 14/1, 14/2, 14/3, 15, 16, 17/1, 17/1क, 17/2, 18/1, 18/2, 23, 24, 28 ।

ग्राम पिंपरी में अर्जित किए गए प्लॉट संख्यांक :

3, 5/1, 5/2 ।

ग्राम आगासी में अर्जित किए गए प्लॉट संख्यांक :

1/3, 1/4क, 1/4ख, 1/4ग, 1/4घ, 1/5, 2/1, 2/2, 2/2क, 2/2ख, 2/3, 2/4क, 2/4क1, 2/4ख, 2/4ग, 2/4घ, 3/1, 3/2, 3/3, 4/1, 4/2, 4/3, 4/3क, 4/4, 5/1, 5/2, 6/1, 6/1क, 6/2, 6/3, 6/4, 6/4क, 7/2, 7/2क, 7/3, 7/3क, 7/4, 8/1, 8/1क, 8/2, 9, 10/1, 10/1क, 10/2, 10/3, 10/4, 10/5, 11/1, 11/2, 12/1, 12/2, 12/2क, 12/3, 12/4, 12/5, 13/1क, 13/1ख, 13/1ग, 13/2, 13/3, 13/4, 14, सरकारी ।

सीमा वर्णन :

‘भाग- क’

क-ख-ग-घ-

-ड.-च-छ : रेखा ग्राम कोलेरा में बिन्दु 'क' से आरंभ होती है और बिन्दु 'ख'-'ग'-'घ'-'ङ' के पास से गुजरती हुई प्लॉट संख्यांक 175, 173/1, 173/2, 171/1, 163, 160 (सरकारी), की बाह्य सीमा से लगकर गुजरती है फिर सड़क से लगकर गुजरती है, सड़क पार करती है फिर प्लॉट संख्यांक 156, 150, 151/1, 151/2, 152, 132, 131, 130/2, 130/1 की बाह्य सीमा से लगकर गुजरती है और बिन्दु 'छ' पर मिलती है।

छ-ज-झ : रेखा ग्राम कोलेरा से होकर प्लॉट संख्यांक 130/1, 134/2, 134/4, 124/1, 124/2 की बाह्य सीमा से लगकर गुजरती है फिर ग्राम कोलेरा और ग्राम ब्राह्मणी की सम्मिलित ग्राम सीमा को पार करती है और ग्राम ब्राह्मणी से होकर प्लॉट संख्यांक 141, 143, 144, 145 की बाह्य सीमा से लगकर गुजरती है फिर सड़क पार करती है फिर प्लॉट संख्यांक 133, 132, 131, 130, 129, 1, 2, 3, 4, 9, 10, 11, 15 की बाह्य सीमा से गुजरती है फिर बिन्दु 'ज' के पास से लगकर गुजरती हुई प्लॉट संख्यांक 16, 17, 19, 37/2, 37/1, 38, 42, 43, 44, 45, 46, 47, 48 की बाह्य सीमा से लगकर गुजरती है और ग्राम ब्राह्मणी, कोना एवं ग्राम निलापुर के तिराहे पर बिन्दु 'झ' पर मिलती है।

झ-ञ-ट-

ठ-ड : रेखा ग्राम कोना से होकर बिन्दु 'ज'-'ट'-'ठ' के पास से गुजरती हुई प्लॉट संख्यांक 119, 120, 121, 124, 125/2, 125/1, 126/2, 126/1, 136, 137/2, 137/1, 141, 155, 159, 160/1, 160/2, 160/3, 153, 152, 150, 172/2, 172/1, 97, 96, 95, 94 की बाह्य सीमा से लगकर गुजरती है फिर बिन्दु 'ड' पर मिलती है।

ड-ढ-क : रेखा ग्राम कोना से होकर बिन्दु 'ढ' के पास से गुजरती हुई प्लॉट संख्यांक 94, 108/1, 108/2, 113, 112/3, 112/2, 112/1 की बाह्य सीमा से लगकर गुजरती है फिर ग्राम कोना और ग्राम ब्राह्मणी की सम्मिलित ग्राम सीमा को पार करती है फिर ग्राम ब्राह्मणी से होकर प्लॉट संख्यांक 58/3, 59, 60, 61, 62, 63, 67, 72 की बाह्य सीमा से गुजरती है फिर ग्राम ब्राह्मणी और ग्राम कोलेरा की सम्मिलित ग्राम सीमा को पार करती है फिर ग्राम कोलेरा की सम्मिलित ग्राम सीमा को पार करती है फिर ग्राम कोलेरा से होकर प्लॉट संख्या 175 की बाह्य सीमा से लगकर गुजरती है और आरंभिक बिन्दु 'क' पर मिलती है।

‘भाग- ख’

ण-त-थ-

द-ण : रेखा ग्राम गोवारी में बिन्दु 'ण' से आरंभ होती है और बिन्दु 'त'-'थ'-'द' के पास से गुजरती हुई प्लॉट संख्यांक 95 की बाह्य सीमा से लगकर गुजरती है और आरंभिक बिन्दु 'ण' मिलती है।

‘भाग- ग’

ध-न-प-

फ-ध : रेखा ग्राम गोवारी में बिन्दु 'ध' से आरंभ होती है और बिन्दु 'न'-'प'-'फ' के पास से गुजरती हुई प्लॉट संख्यांक 5/3, 5/2, 5/1 की बाह्य सीमा से होकर गुजरती है फिर सड़क पार करती है फिर आबादी की बाह्य सीमा से होकर गुजरती है और प्लॉट संख्यांक 150, 151, 152, 1, 2, 3, 4, की बाह्य सीमा से होकर गुजरती है और आरंभिक बिन्दु 'ध' पर मिलती है।

‘भाग- घ’

ब-भ-म-ब : रेखा ग्राम गोवारी में बिन्दु 'ब' से आरंभ होती है और बिन्दु 'भ'-'म' के पास से गुजरती हुई वर्धा नदी के किनारे से और प्लॉट संख्यांक 9/1, 9/2, 10/3, 10/2, 10/1, 11/1, 12/1, 13/1 की बाह्य सीमा से होकर गुजरती है फिर ग्राम गोवारी और ग्राम आगासी सम्मिलित ग्राम सीमा को पार करती है और ग्राम आगासी से होकर वर्धा नदी के किनारे से और प्लॉट संख्यांक 4/1, 3/1, 2/1, 2/2, 2/2क, 2/2ख, 2/3, 2/4क, 2/4क1, 2/4ख, 2/4ग, 2/4घ, 1/3, 1/4क, 1/4ख, 1/4ग, 1/5, 14 (सरकारी), 13/2, 13/3, 13/4, 11/2, 10/1, 10/1क, 10/2, 10/3, 10/4, 10/5 की बाह्य सीमा से लगकर गुजरती है फिर ग्राम आगासी और ग्राम पिंपरी की सम्मिलित ग्राम सीमा को पार करती है और ग्राम पिंपरी से होकर प्लॉट संख्यांक 3, 5/2, 5/1 की बाह्य सीमा से लगकर गुजरती है फिर ग्राम पिंपरी और ग्राम आगासी की सम्मिलित ग्राम सीमा को पार करती है और ग्राम आगासी से होकर प्लॉट संख्यांक 7/2, 7/2क, 7/3, 7/3क, 7/4 की बाह्य सीमा से लगकर गुजरती है फिर ग्राम आगासी और ग्राम गोवारी की सम्मिलित ग्राम सीमा को पार करती है फिर ग्राम गोवारी से होकर प्लॉट संख्यांक 18/1, 18/2, 17/2, 17/1, 16 15, 23, 24, 28, 10/1, 10/2, 10/3, 9/2, 9/1 की बाह्य सीमा से होकर गुजरती है और आरंभिक बिन्दु 'ब' पर मिलती है।

[सं. 43015/15/2008-पीआरआईडब्ल्यू-1]

एस. सी. भाटिया, निदेशक

New Delhi, the 29th August, 2011

S.O. 2351.—Whereas by the notification of the Government of India in the Ministry of Coal number S. O. 1584, dated the 21st June, 2010, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 26th June, 2010, the Central Government gave notice of its intention to acquire all rights in or over such land in the locality specified in the Schedule appended to that notification;

And whereas, the competent authority in pursuance of Section 8 of the said Act, has made his report to the Central Government;

And whereas, the Central Government after considering the aforesaid report and after consulting the Government of Maharashtra, is satisfied that all rights in or over the land measuring 692.18 hectares (approximately) or 1710.37 acres (approximately) as described in the Schedule appended hereto, should be acquired;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, (20 of 1957) the Central Government hereby declares that all rights in or over the land measuring 692.18 hectares (approximately) or 1710.37 acres (approximately) as described in the Schedule are hereby acquired.

The plan bearing number C-1(E)III/JJNR/844-1110, dated the 24th November, 2010 of the area covered by this notification, may be inspected in the Office of the Collector, Yavatmal (Maharashtra) or at the Office of the Coal Controller, 1, Council House Street, Kolkata (Pin- 700 001) or at the Office of the General Manager, Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur - 440 001 (Maharashtra).

SCHEDULE**Kolar Pimpri Extension Opencast Block****Wani North Area****DISTRICT—YAVATMAL (MAHARASHTRA)**

[Plan bearing number: C-1(E)III/JJNR/844-1110, dated the 24th November, 2010]

All Rights :**PART - 'A'**

Sl. No.	Name of Village	Patwari Circle number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Kolera	32	Wani	Yavatmal	130.00	Part
2.	Kona	31	Wani	Yavatmal	125.00	Part
3.	Brahmani	32	Wani	Yavatmal	298.00	Part

Total : 553.00 hectares (approximately)

or 1366.46 acres (approximately)

All Rights :**PART - 'B'**

Sl. No.	Name of Village	Patwari Circle number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Gowari	31	Wani	Yavatmal	175	Part

Total : 1.75 hectares (approximately)

or 4.32 acres (approximately)

All Rights :**PART - 'C'**

Sl. No.	Name of Village	Patwari Circle number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Gowari	31	Wani	Yavatmal	14.50	Part

Total : 14.50 hectares (approximately)**or 35.83 acres (approximately)****All Rights :****PART - 'D'**

Sl. No.	Name of Village	Patwari Circle number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Gowari	31	Wani	Yavatmal	41.77	Part
2.	Pimpri	32	Wani	Yavatmal	1.16	Part
3.	Agashi	32	Wani	Yavatmal	80.00	Part

Total : 122.93 hectares (approximately)**or 303.76 acres (approximately)****Total Area (All Rights) :**

PART—'A'	+	PART—'B'	+	PART—'C'	+	PART—'D'	+	TOTAL AREA
553.00	+	1.75	+	14.50	+	122.93	=	692.18 hectares (approximately)
or								
1366.46	+	4.32	+	35.83	+	303.76	=	1710.37 acres (approximately)

Plots to be acquired in village:**PART — 'A'****Plot numbers acquired in village Kolera :**

124/1, 124/2, 130/1, 130/2, 131, 132, 133, 134/1, 134/2, 134/3, 134/4, 135, 136, 137/1, 137/2, 138, 139/1, 139/2, 140, 141, 142, 143, 144/1, 144/2, 145/1, 145/2, 145/3, 146, 147, 148, 149/1, 149/2, 150, 151/1, 151/2, 152, 156/1, 156/2, 157, 158, 159, 160, Government Road, 163, 164, 165, 166, 167, 168/1, 168/2, 169, 170/1, 170/2, 171/1, 171/1A, 171/2, 171/3A, 171/3B, 171/4, 172/1, 172/2, 172/3A, 172/3B, 172/3C, 173/1, 173/2, 174/1, 174/2, 175.

Plot numbers acquired in village Kona :

94, 95, 96, 97, 98, 99, 100, 102, 103, 104/1, 104/2, 105, 106, 107, 108/1, 108/2, 112/1, 112/2, 112/3, 113, 114, 115, 116/1, 116/2, 117/1, 117/2A, 117/2B, 118/1, 118/2A, 118/2B, 119/1, 119/2, 120, 121/1, 121/2, 122, 123, 124, 125/1A, 125/1B, 125/2A, 125/2B, 126/1, 126/2, 136/1, 136/2, 136/3, 137/1, 137/2, 141, 142, 143, 144, 145, 146, 147/1, 147/2, 148/1, 148/2, 148/3, 149, 150, 151, 152, 153, 154, 155, 159, 160/1, 160/2, 160/3, 172/1, 172/2, Government Road.

Plot numbers acquired in village Brahmani :

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20/1, 20/2, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32/1, 32/2, 33, 34, 35, 36, 37, 38, 39/1, 39/2, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55/1A, 55/1B, 5/2, 55/3, 55/4, 56/1, 56/2, 56/3, 56/4, 57/1, 57/2, 57/3, 58/1, 58/2, 58/3, 59, 60, 61, 62, 63, 64, 65/1, 65/2, 65/3, 66, 67, 72, 73, 74, 75, 76, 77, 78, 79/1A, 79/1B, 79/2, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92/1, 92/2, 92/3, 93, 94, 95/1, 95/2, 96, 97/1, 97/2, 98/1A, 98/1B, 98/2, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, III, 112, 113, 114/1, 114/2, 115, 116, 117, 118, 119, 120, 121, 122, 123/1, 123/2, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, Government Road.

PART - 'B'**Plot numbers acquired in village Gowari :**

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PART-'C'**Plot numbers acquired in village Gowari :**

1, 2, 3, 4, Government Gaothan (Abadi), 5/1, 5/2, 5/3, 150, 151, 152.

PART - 'D'**Plot numbers acquired in village Gowari :**

9/1, 9/2, 10/1, 10/2, 10/3, II/I, 11/2, 12/1, 12/1A, 12/2, 13/1, 13/2, 13/3, 14/1, 14/2, 14/3, 15, 16, 17/1, 17/1A, 17/2, 18/1, 18/2, 23, 24, 28.

Plot numbers acquired in village Pimpri :

3, 5/1, 5/2.

Plot numbers acquired in village Agashi :

1/3, 1/4A, 1/4B, 1/4C, 1/4D, 1/5, 2/1, 2/2, 2/2A, 2/2B, 2/3, 2/4A, 2/4A1, 2/4B, 2/4C, 2/4D, 3/1, 3/2, 3/3, 4/1, 4/2, 4/3, 4/3A, 4/4, 5/1, 5/2, 6/1, 6/1A, 6/2, 6/3, 6/4, 6/4A, 7/2, 7/2A, 7/3, 7/3A, 7/4, 8/1, 8/1A, 8/2, 9, 10/1, 10/1A, 10/2, 10/3, 10/4, 10/5, II/I, 11/2, 12/1, 12/2, 12/2A, 12/3, 12/4, 12/5, 13/1A, 13/1B, 13/1C, 13/2, 13/3, 13/4, 14, Government

Boundary description:**PART - 'A'**

A-B-C-D-E-F-G: Line start from Point 'A' in village Kolea and passes nearby Point 'B'-'C'-'D'-'E'-'F' along with the outer boundary of plot numbers 175, 173/1, 173/2, 171/1, 163, 160 (Govt.), then passes along the road, crosses road then again passes along with the outer boundary of plot numbers 156, 150, 151/1, 151/2, 152, 132, 131, 130/2, 130/1, and meets at Point 'G'.

G-H-I: Line passes through village Kolera along with the outer boundary of plot numbers 130/1, 134/2, 134/4, 124/1, 124/2, then crosses common village boundary of villages Kolera and Brahmani and passes through village Brahmani along with the outer boundary of plot numbers 141, 143, 144, 145, crosses road, then again passes along with the outer boundary of plot numbers 133, 132, 131, 130, 129, 1, 2, 3, 4, 9, 10, 11, 15, then passes nearby Point 'H' and then passes along with the outer boundary of plot numbers 16, 17, 19, 37/2, 37/1, 38, 42, 43, 44, 45, 46, 47, 48 and meets at Point 'I' on tri-junction of villages Brahmani, Kona and Nilapur.

I-J-K-L: Line passes through village Kona nearby Point 'J'-'K'-'L' along with the outer boundary of plot numbers 119, 120, M: 121, 124, 125/2, 125/1, 126/2, 126/1, 136, 137/2, 137/1, 141, 155, 159, 160/1, 160/2, 160/3, 153, 152, 150, 172/2, 172/1, 97, 96, 95, 94 and meets at Point 'M'.

M-N-A: Line passes nearby Point 'N'. through village Kona along with the outer boundary of plot numbers 94, 108/1, 108/2, 113, 112/3, 112/2, 112/1, then crosses common village boundary of villages Kona and

Brahmani, then passes through village Brahmani along with the outer boundary of plot numbers 58/3, 59, 60, 61, 62, 63, 67, 72, then passes common village boundary of villages Brahmani and Kolera, then passes through village Kolera along with the outer boundary of plot number 175 and meets at starting Point 'A'.

PART-'B'

O-P-Q- Line starts from Point 'O' in village Gowari and passes nearby Point 'P'-'Q'-'R', along with the outer boundary of R-O : plot number 95 and meets at starting Point 'O'.

PART-'C'

S-T-U Line starts from Point 'S' in village Gowari and passes nearby Point 'T'-'U'-'V', along with the outer boundary of V-S : plot numbers 5/3, 5/2, 5/1, crosses road, then passes along the outer boundary of Gaothan (Abadi) and plot numbers 150, 151, 152, 1, 2, 3 4, and at meet starting Point 'S'.

PART - 'D'

W-X-Y-W Line starts from Point 'W' in village Gowari and passes nearby Point 'X'-'Y', along the Bank of Wardha River and outer boundary of plot numbers 9/1, 9/2, 10/3, 2, 10/1, 11/1, 12/1, 13/1, crosses common village boundary of villages Gowari and Agashi and passes through village Agashi along with Bank of Wardha River and outer boundary of plot numbers 4/1, 3/1, 2/1, 2/2, 2/2A, 2/2B, 2/3, 2/4A, 2/4A1, 2/4B, 2/4C, 2/4D, 1/3, 1/4A, 1/4B, 1/4C, 1/5, 14 (Government), 13/2, 13/3, 13/4, 11/2, 10/1, 10/1A, 10/2, 10/3, 10/4, 10/5, then crosses common village boundary of villages Agashi and Pimpri and passes through village Pimpri along with the outer boundary of plot numbers 3, 5/2, 5/1, again crosses common village boundary of villages Pimpri and Agashi and passes through village Agashi along with the outer boundary of plot numbers 7/2, 7/2A, 7/3, 7/3A, 7/4, then again crosses common village boundary of villages Agashi and Gowari then passes through village Gowari, along with the outer boundary of plot numbers 18/1, 18/2, 17/2, 17/1, 16, 15, 23, 24, 28, 10/1, 10/2, 10/3, 9/2, 9/1, and meets at starting Point 'W'.

[No. 43015/15/2008 - PRIW-I]

S. C. BHATIA, Director

आदेश

नई दिल्ली, 29 अगस्त, 2011

का.आ. 2352.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी की गई भारत सरकार में कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 423 तारीख 10 फरवरी, 2011 के भारत के राजपत्र के भाग-II, खण्ड-3, उप-खण्ड (ii) तारीख 12 फरवरी, 2011 में प्रकाशित होने पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में, या उस पर के सभी अधिकार, (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगनों से मुक्त होकर, आत्यंतिक रूप में केन्द्रीय सरकार में निहित हो गए थे।

और केन्द्रीय सरकार का यह समाधान हो गया है कि साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, डाकघर संख्या 60, बिला-बिलासपुर-495006 (छत्तीसगढ़) (जिसे इसमें इसके पश्चात् उक्त सरकारी कंपनी कहा गया है) ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए तैयार है ;

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अधिग्रहण और विकास) अधिनियम, 1957 की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त 131.721 हेक्टर (लगभग) भूमि और उस पर के सभी अधिकार, तारीख 12 फरवरी, 2011 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के सिवाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :-

1. उक्त सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, हानि और वैसी ही मदों की बाबत किए गये सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;

2. उक्त सरकारी कंपनी द्वारा शर्त (1) के अधीन केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए उक्त अधिनियम की धारा 14 के अधीन अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त कंपनी द्वारा वहन किये जायेंगे और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकार

के हितों या उनके संबंध में जैसे अपील आदि सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, इसी प्रकार उक्त सरकारी कंपनी द्वारा वहन किये जाएंगे ;

3. उक्त सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;

4. उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और भूमि में या उसके ऊपर इस प्रकार निहित अधिकार को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी ; और

5. उक्त सरकारी कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के हितों दिए जाएं या अधिरोपित की जाए, पालन करेगी ।

[फा. सं. 43015/31/2008-पी. आर. आई. डब्ल्यू-1]

एस. सी. भाटिया, निदेशक

ORDER

New Delhi, the 29th August, 2011

S. O. 2352. —Whereas, on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 423, dated the 10th February, 2011 published in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 12th February, 2011 issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and surface rights in or over the Coal Bearing Areas (Acquisition and Development) Act, 1957 such lands described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And whereas, the Central Government is satisfied that the South Eastern Coalfields Limited, Seepat Road, Post Box number- 60, District-Bilaspur-495006 (Chhattisgarh) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Central Government hereby direct that the said lands measuring 131.721 hectares (approximately) and surface rights in or over the said lands so vested shall with effect from the 12th February, 2011 instead of continuing to so vest in the Central Government, shall vest in the said Government Company, subject to the following terms and conditions, namely :

(1) the Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;

(2) a Tribunal shall be constituted under section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the said Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeal, etc. for or in connection with the rights, in or over the said land, so vested, shall also be borne by the said Government Company

(3) the said Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said land so vested;

(4) the said Government Company shall have no power to transfer the said land to any other persons without the prior approval of the Central Government; and

(5) the said Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land, as and when necessary.

[F. No. 43015/31/2008 - PRIW - I]

S. C. BHATIA, Director

श्रम और रोजगार मंत्रालय

नई दिल्ली, 3 अगस्त, 2011

का.आ. 2353.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, पुणे के पंचाट (संदर्भ संख्या 220/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2011 को प्राप्त हुआ था।

[सं. एल-41012/87/2007-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 3rd August, 2011

S.O. 2353.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 220/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Pune as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Railway and their workman, received by the Central Government on 14-7-2011.

[No. L-41012/87/2007-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE**BEFORE THE PERSIDING OFFICER, FIRST LABOUR COURT, PUNE**

(Presided over by Mr. M.S. Bodhankar)

REF. IDA. No. 220 of 2007

The Divisional Railway Manager,
Central Railway,
Pune

....First Party

AND

Shri [KV Joshi] V.K. Joshi
House No. 309 A, 3rd floor,
Matrukrupa Building
Near Gonkos Maruti Mandir,
Kasba Peth, Pune-1

....Second Party

Reference Under Section 10(1) (C)R/W Section 12(5) of
Industrial Disputes Act.

APPEARANCE: Mr. Uplenchwar Adv. for first party
Mr. Kalane Adv. for second party

AWARD

(Delivered on this 9th day of June 2011)

1. This reference is made to this Court vide order No. L-41012/87/2007-IR(B-I), Desk Officer, Govt. of India Ministry of Labour New Delhi under clause (d) of sub-section

(1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 as mentioned in the schedule as under :

SCHEDULE

“Whether the action of the management of Central Railway Pune of not considering the serviced rendered by the applicant before reinstatement is correct or not? If not what relief should be provided to him. Briefly stated the second party's case is as under ?”

2. The second party has filed his statement of claim vide Ex. 9. It is submitted that he was appointed as a Booking Clerk (Railway tickets) from 4-9-63. He was permanent since 14-9-63. His service record was clear and clean. He has got all the benefits as per Government Rules. However, his services were illegally terminated on 17-3-86. No show cause notice was issued, no domestic enquiry was conducted and no opportunity was given to him to defend himself. He had completed 23 and half years service without breaks. After illegal termination he had filed review appeal on 9-9-86 before the appellate authority under rule 25 of D & A Rules. That appeal was decided and concerned officer had issued the following order on 29-1-87.

“Taking into consideration his family circumstances, I have decided to reemploy him as a office clerk on humanitarian ground.”

3. This order was issued and the second party was directed to deposit the outstanding debit of Rs. 18,558. Accordingly, the first party offered reemployment to him and he joined the duty with the first party on 13-2-87. After reemployment he completed 16 years 8 months and 3 days in service without break and retired on 31-10-03. He had completed in all 39 years of his service. Thus he is entitled to all the benefits of retirement i.e. Medical facility (Medical Cards) and tow sets of complementary passes and 39 years pension benefits etc.

4. It is further submitted that while giving the pension the first party only considered the service of 16 years 8 months 3 days of the period from 29-1-87 to 31-10-03. It has not considered the service of 23 and half years from 2-10-63 to 17-3-86. Thus as per Rule 39 of RS (Pension) Rule 93 and Railway Board Circular dt. 3-6-99, the service of second party be counted for pension. He has been kept away from the benefits of pension of 39 years service, DCRG and free medical aid by the first party. As per the pass manual of railway indicates that employee on completion of 20-25 years service is entitled for two sets of passes. It is further submitted that after persuasion for 5 years, second party has been favoured with one set of first class pass. The harassment tendered to the second party affected his health and subsequent loss of approximately 75,000 on account of issue of pass for a period of 5 years. He was not covered in the retired

employees liberalised health scheme which automatically covered employee appointed after 1-1-89 on payment of one time payment equal to last month's basic pay at the time of retirement. When he retired after the second spell of service, he was refused to deposit the said basic pay or deduction from his last pay drawn by him. He was advised by letter that he is not eligible for fresh medical treatment. Thus loss of Rs. 50,000 is caused to him. The provident fund amount for first spell of service is still lying with railway administration. The second party has thus sought for allowing the reference and for declaring that his services is counted from 14-9-63 to 13-2-87 and he has completed 39 years of service without break with the first party and that he is entitled for pension benefits, DCRC, 2 sets of passes and medical benefits etc. along with interest and arrears be paid. He also claimed Rs. 60,000 towards loss on travel account.

5. The first party has filed its reply vide Ex. 30 and all the adverse allegations are denied. It is submitted that the second party has retired and hence this court has no jurisdiction to try the reference. The appointment of the second party and his working in the two spells and his reappointment is admitted. It is submitted that he was appointed after considering his mercy appeal of the family circumstances. Now he has no right to ask any relief on the basis of his past service rendered by him. The object of mercy of appeal is only to give service and not the benefits. He is not entitled for settlement pass as per the said order because it could not be issued beyond a period of two years after retirement. The second party is not entitled to get the benefits of RELHS since he has not completed 20 years of service. The first party prayed for rejection of claim of second party.

6. The following issues are framed by my Ld. Predecessor. I have recorded my findings on them for the reasons that follows :

ISSUES

FINDINGS

- | | |
|---|--|
| 1. Whether the action of the management of the Central Railway, Pune of not considering the services rendered by the second party before reinstatement in correct ? | In the negative |
| 2. If not what relief should be provided to the second party ? | Entitled for getting counted 39 years of service for pension benefits, 2 sets of passes and medical benefits |
| 3. What order ? | As per final order |

REASONS

7. In this matter the second party has examined himself vide Ex. 14. The first party did not adduce any

evidence. The argument advanced by Ld. Adv. Mr. Kalane for the second party and Ld. Adv. Uplenchwar for the first party is heard.

As to Issue No. 1

8. the second party has sworn that he had served with the first party from 14-1-63 to 17-3-86 and from 29-1-87 to 31-10-2003. His serving to with the first party is not in dispute. He has stated that he is entitled for all retirement benefits such as medical facility, two sets of complementary passes and 39 years pension benefits etc. as he had completed 23 and half years of service i.e. From 14-1-03 to 17-3-86 continuously and 16 years 8 months and 3 days in second spell i.e. total 39 years. He stated that the first party has not considered the service rendered by him from 14-1-63 to 17-3-86 for pensionary benefits, free medical aid and DCRG. As per his contention as per Rule 39 of RS (Pension) 1993 and Railway Board Circular Dt. 3-6-99, his service was to be counted for pension. He stated that as per Pass Manual, a railway employee on completion of 20 to 25 years of service is entitled for two sets of first class passes which he is entitled to get in view of his period of service of 39 years. He stated that after 5 years of persuasion he was given one pass. He submitted that due to harassment tendered to him affected him and his family and loss of Rs. 75000 on account of restriction of issue of pass for a period of 5 years. He submitted that railway had introduced RELHS retired employees liberalised health scheme. The scheme covered to the employees appointed after 1-1-89 on payment on one time payment equal to last months basic pay at the time of retirement. He was retired after the second spell of service, he was refused to deposit the said basic pay or deduction from his last pay drawn. He moved the matter to railway where he was advised that he is not eligible for fresh medical treatment. He claimed the entire loss during the last 5 years about Rs. 50,000 to be reimbursed. He submitted that provident fund was also not paid to him. His service was terminated without observing proper procedure and rules.

9. During his cross examination, the second party denied that his appointment was fresh. He admitted that in his order of reemployment, it is mentioned that he was reemployed fresh. He admitted that on humanitarian ground he was taken in the revised pay scale and no complaint was made with regard to his service benefits. He admitted that he was taken fresh. He admitted that he has applied for the passes to the Railway and the Railway had informed him that he was not entitled to get it.

10. Ld. Adv. Mr. Kalane for the second party argued that he had served for 39 years, he was reemployed in service 29-1-87 and prior to it, he rendered continuous service from 14-9-63 to 17-3-86 and such appointment was not a fresh appointment but still this factor has not been

considered while giving pension benefits and as the past record was not considered as per the provisions of rule 39 of RS (Pension) Rules, he is entitled to get his past service counted as qualifying service and he is entitled to get all the reliefs he has sought for. Ld. Adv. Mr. Kalane has placed reliance on the MS Pension Rules and Railway Servants Pass Rules for his argument.

11. On the other hand Ld. Adv. Mr. Uplenchwar argued that the appointment of the second party w.e.f. 29-1-87 was fresh for all purposes, previous service cannot be calculated for such purpose and the qualifying service has to be for 25 years and he is not entitled to get pass as the qualifying service is not completed. He submitted that there is a mention in the affidavit of the second party in para No. 1 line No. 4 that he had got all the benefits as per Govt. Rules and no clarification is given for the same. Such question was put to the second party in his cross-examination where he has clarified that he had got the benefits for second spell of his service. Here it is observed that the dispute is raised since all the pension benefits which as per the contention of the second party should have been received by him; have not been given to him, when he retired from the service. In the letter Ex. 19 dt. 8-9-05 it is mentioned that—

“The above named after putting 16 years 8 months and 3 days service retired on 31-10-2003 on superannuation, hence he is not entitled for the benefit RELHS hence not completed 20 years of service. Similarly he is also not entitled to get the complementary pass since not completed minimum of 20 years of service as per the provisions.”

Thus as per contention of the first party as the second party has not completed 20 years of service he is not entitled to get the complementary pass.

12. As per Ex. 20 the CPO(C) has communicated the order of CCSBB to DRM (P) BB whereby the order of re-employment was passed. In this order, it is nowhere mentioned that the appointment is fresh. However, in the appointment order Ex. 21, it is mentioned that he is re-employed fresh. Thus the word fresh which does not find place in the original order of re-employing the second party has been inserted in this order.

13. The circular of Govt. of India dt. 3-6-99 is placed on record. It is the circular of Central Government. By this circular the procedure of appointment fresh was directed to be discontinued. This is order of 99 whereas the second party was appointed in 1987.

14. Here in the R.S. (Pension) Rules 1998 it is mentioned in Rule No. 39 that— “Counting the past service on reinstatement—(1) A railway servant who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal review, is entitled to count his past service as qualifying service.”

15. Thus in the light of these provisions, it is clear that the past service of a reinstated employee is to be counted as qualifying service. In view of this position, I observe conclude and hold that the past service of the second party was to be counted as qualifying service and thus the previous service of 23 and half years was to be counted and it would thus mean that he had completed total 39 years of service without break with the first party. The second party has also claimed 2 sets of passes as per the provisions of Railway Servant (Pass) Rules 1996. In the provisions of post retirement complementary passes, it is that the Class III staff is to be provided with 2 sets of passes per annum who has done 25 years of service and over. In the further provisions it is also laid down that in the case of Railway Employees Governed by the pension rules the breaks in service which are condoned for the purpose of pension and-death-cum-retirement gratuity may be condoned for the purpose of post retirement complementary passes and service preceding the break counted for the purpose of post retirement complementary passes. Apart from this, in the letter given by the first party to the Regional Commissioner, Pune on 8-9-05 vide Ex. 19, it is mentioned that the above named after putting 16 years, 8 months and 3 days service retired on 31-10-03 on superannuation, hence he is not entitled for the benefits on RELHS, as he has not completed 20 years of service. It is further mentioned that he is also not entitled to get the complementary pass since not completed minimum of 20 years of service as per the provisions.

16. Thus considering this position, I observe that as per Rule 39 of the MS Pension Rules since the second party has completed 39 years of service with the first party he is found entitled to get 2 sets of passes as well the benefit of RELH Scheme. Apart from this, when the qualified service of the second party is calculated to 39 years, I observe that he is entitled to get the pensionary benefits as per his qualified service to get the same. It is clear that he has been given such benefits for the period of 16 years and thus he is found entitled to get such benefits considering his service tenure of 39 years. The second party has claimed compensation of Rs. 60,000 for not giving such passes. However, there is no evidence on record as to on what basis such calculation has been effected. Thus, I observe that such monetary claim for non-supply of the passes is not established. However, the second party has succeeded in showing his entitlement of passes. In view of this position, I observe, concluded and hold that the action of the management of the Central Railway, Pune of not considering the services rendered by the second party before reinstatement is not correct. With this view of the matter, holding it accordingly, I answer Issue No. 1 in the affirmative.

As to Issue Nos. 2 and 3

18. The second party has sought for the relief of declaration about his entitlement of his tenure in service

with pension benefits DCRC and 2 sets of passes and medical benefits, in view of the findings recorded for Issue No. 1, I observe that the second party is found entitled to get the benefit of the declaration that the second party is entitled to get his service counted from 14-9-63 to 13-2-87 for the purposes of getting the service benefits and that he has completed 39 years in service along with the pension benefits DCRC, 2 sets of passes and medical benefits. The applicant is not found entitled to get the relief as to the payment of the loss of travel account facility as he has not substantiated his entitlement for the same and interest on provident fund does not lie for consideration. The first party shall bear its own cost of litigation and shall pay cost of litigation of Rs. 1500 (Rs. One thousand five hundred only) to the second party. With this view of the matter, holding it accordingly I proceed to pass the following order.

ORDER

1. The reference is allowed.
2. It is hereby declared that the second party is entitled to get his service for the period from 14-9-63 to 13-2-87 counted for pension benefits and he has completed 39 years of service.
3. It is hereby further declared that second party is entitled for pension benefits with 2 sets of passes with medical benefits.
4. The first party is directed to give pension benefits counting the period of service of the second party of 39 years.
5. The first party do give 2 complementary sets of passes to the second party along with the medical card.
6. The first party shall bear its own cost of litigation and shall pay cost of litigation of Rs. 1500 (Rs. One thousand five hundred only) to the second party.

M.S. BODHANKAR, Presiding Officer

Pune

Dt. 9th June, 2011

नई दिल्ली, 4 अगस्त, 2011

का.आ. 2354.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी. लिमिटेड एवं के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 134/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/4/2002-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th August, 2011

S.O. 2354.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 134/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Rayatwari Sub Area of Western Coalfields Limited, and their workmen, received by the Central Government on 4-8-2011.

[No. L-22012/4/2002-IR (CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/134/2002 Date: 14-7-2011

Party No. 1 : The Sub Area Manager,
Rayatwari Sub Area of Western
Coalfields Ltd., Post Rayatwari,
Dist. Chandrapur (MS)

VERSUS

Party No. 2 : Shri S.R. Pendre,
General Secretary, Lal Bavata Koyala
Kamgar Union, Bhiwapur, Ward No. 27,
Post & Dist. Chandrapur (MS).

AWARD

(Dated: 14th July, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the Industrial dispute between the employers, in relation to the management of the Rayatwari Sub Area, Western Coalfields Limited and their workman, Shri Evraj Nilkanth Kamble for adjudication, as per letter No. L-22012/4/2002-IR(CM-II) dated 14-8-2002, with the following schedule:—

"Whether the action of the management of Rayatwari Sub Area of Western Coalfields Limited in terminating the services of Shri Evraj Nilkanth, Kamble vide order No. 344 dt. 5-5-97 is legal and justified? If not, to what relief is the workman is entitled?"

2. Being noticed, the workman, Shri Evraj Nilkanth Kamble ("the workman" in short), filed his statement of claim and the management of Rayatwari Sub Area of WCL ("the Party No. 1" in short) filed the written statement.

The case of the workman is that he was working as an underground tub loader in Durgapur Rayatwari Colliery since 1990 and the loading of coals was being done in the said colliery in three shifts i.e. A, B & C and whenever, he

went to attend his duty in B & C shifts, he was being informed by the Shift Incharge of having no work for him and he was being sent back without marking of his attendance and the management engaged machines for loading coal in tubs to reduce manpower and as such, he was not allowed to perform duty in B & C shifts and therefore, he was unable to complete the required attendance and charge sheet No. 3611 dtd. 8-12-96, under the clauses 26.24 and 26.30 of the standing orders was issued against him by the party No. 1 on the allegation of remaining unauthorized absence and habitual absenteeism and Shri R.G. Gedam was appointed as the Inquiry Officer as per office order No. 6338 dtd. 10-3-97 and the Inquiry Officer did not issue any notice, intimating him about the date and time of the sitting of the enquiry and on 17-3-97, when he was on duty, the Inquiry Officer called for him to attend the enquiry and as per the direction of the inquiry officer, he participated in the enquiry and when he was asked to admit or deny the charges, he admitted the charges, as he was not aware about the procedure of the departmental enquiry and he was not allowed to engage co-worker for his defence and on 18-3-97, he was again called for by the Inquiry Officer to his office and after some days, while he was on duty, the Inquiry Officer called him and handed over the order of dismissal bearing No. 344 dtd. 5-5-97. The further case of the workman is that the enquiry is defective as notice of the enquiry was not given to him by the Inquiry Officer, he was not given proper opportunity to defend himself in the enquiry, no show-cause notice was issued, copies of the enquiry papers and the enquiry report were not supplied to him and the enquiry is not fair and proper and principles of natural justice were not followed and for that the order of dismissal is also defective and vitiated. The workman has prayed to set aside the order of dismissal and to reinstate him in service with continuity and all ancillary reliefs.

3. The party No. 1 in its writing statement has pleaded inter-alia that the workman was working as a badali piece rated loader from 21-5-90 and not as an underground tub loader and the workman was extremely irregular in attaining his duty and was in the chronic habit of remaining absent from duty and he attended 112 days, 156 days, 70 days 119 days, 83 days, 133 days, 124 days and 37 days in the years 1990, 1991, 1992, 1993, 1994, 1995, 1996 and till February, 1997 respectively and the workman was never sent back without assigning any work to him, when he came to attend his duty in B & C relay and the workman remained absent unauthorisedly, without prior permission or information or leave and no document was produced by him before the Inquiry Officer regarding his sickness, though he alleged that due to sickness he remained absent and the workman admitted his guilt before the Inquiry Officer and the story now developed by him in paragraph No. 7 is nothing but an afterthought and for such unauthorized absent, the workman was charge sheeted on

8-12-96 and he did not file any reply to the charge sheet and notice was issued to the workman intimating him the date of enquiry and complete a detailed procedure was followed by the Inquiry Officer while conducting the enquiry and full opportunity of hearing and representation was given to the workman and the enquiry was conducted by complying with the principles of natural justice and the allegation made by the workman are totally false and baseless and the workman is not entitled for any relief.

4. As this is a case of dismissal of the workman from service, after holding the departmental enquiry, the question of the validity of the departmental enquiry was taken as a preliminary issue for consideration and as per order dtd. 9-2-2007, the departmental enquiry was held to be legal proper and in accordance with the principles of natural justice.

5. It is necessary to mention here that after passing of the order on the validity of the enquiry, neither the workman nor the union representative appeared in the case.

6. Perused the record. The workman has not challenged the findings of the Inquiry Officer and quantum of punishment in the statement of claim. Taking into consideration the evidence on record, the findings of the inquiry officer, the submissions made by the learned advocate for the management, the fact that the workman admitted the charges leveled against him and the prove serious misconduct of the workman of habitual remaining absent unauthorizedly, I find that the findings are not perverted and the punishment imposed against the workman is not shockingly disproportionate. Therefore, there is not scope to interfere with the punishment imposed against the workman. Hence, it is ordered :

ORDER

The action of the management of Rayatwari Sub Area of Western Coalfields Limited in terminating the services of Shri Evraj Nilkanth Kamble, vide order No. 1 344 dtd. 5-5-97 is legal and justified. The workman is not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 4 अगस्त, 2011

का.आ. 2355.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. एवं के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 117/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/205/2001-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th August, 2011

S.O. 2355.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 117/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of SECL, and their workmen, received by the Central Government on 4-8-2011.

[No. L-22012/205/2001-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, JABALPUR

No. CGIT/LC/R/117/2003

Presiding Officer : Shri Mohd. Shakir Hasan

Shri V.M. Manohar, Secretary,
Madhya Pradesh Koyala Shramik
Sangh (CITU), Qtr. No. M-509,
Vikas Nagar,
Kusmunda,
PO Kusmunda Colliery,

Korba (Chhattishgarh) ...Workman

Versus

The Chief General Manager,
SECL, Kusmunda Area,
PO Kusmunda Colliery,
Distt. Korba, Chhattisgarh ...Management

AWARD

Passed on this 21st day of July, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/205/2001-IR(CM-II) dated 24-6-2003 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Kusmunda Area of SECL, in not providing pay protection to Shri Sunil Kumar Pandey while posting him as clerk is legal and justified? If not, to what relief the workman is entitled?”

2. The Union/workman appeared in the case on 29-11-04 did not file statement of claim till 5-11-09. Lastly the reference is proceeded exparte against the Union/workman on 5-11-09.

3. The management appeared and filed Written Statement. The case of the management in short is that the workman Shri Sunil Kumar Pandey was initially appointed as general Mazdoor, Category-I w.e.f. 11-6-1980. Thereafter he was selected to the post of Poclaim

operator Grade-III Group D w.e.f. 22-1-1984. He was promoted as Excavator Operator Grade III in Group C w.e.f. 10-11-89. Thereafter he filed an application for change of his cadre due to his ill health as he was unable to perform physical job. His case was considered and he was selected as Clerk Grade III w.e.f. 30-6-1994. He was relieved accordingly from Kusmunda Project. Before selection of the post of clerk, the management did query that if he was ready to accept the initial pay of clerk Grade, his case would be considered. The workman submitted his willingness to the Sub Area Manager that he was ready to accept the initial pay of Clerk Grade III. Accordingly the workman was selected to the post of clerk Grade III and joined the same but after accepting the aforesaid post, the workman submitted representation for protection of pay. His representation was rejected by the management and he was offered to join his original post if so liked within 7 days of the order. Thus there is no merit in the claim of the workman and the reference be answered in favour of the management.

4. The following issues are framed for adjudication-

- I. Whether the action of the management in not providing pay protection to the workman while posting him as clerk is legal and justified?
- II. To what relief the workman is entitled?

5. Issue No. I

To prove the case, the management has adduced oral and documentary evidence. The management witness Shri Iqbal Singh is Area Personnel Manager at Kusmunda Area of SECL. He has stated that the workman filed an application for change of his cadre on the ground of till health. The management has filed the application which is marked as Exhibit M.S. This application shows that the workman had himself given application for lighter work on account of his illness. This witness has further stated that management did query from the workman that if he would be ready to accept the initial pay of clerk Grade III, his case would be considered. The management has filed the said letter which is marked as Exhibit M/7 which shows that query was made on 1-2-1994 from the workman. He has stated that the workman gave reply showing to join on initial pay clerk Grade-III. The said reply is filed which is marked as Exhibit M/8. This itself shows that the workman had himself accepted the offer of initial pay on change of cadre. He has further stated that after accepting the said post, the workman gave representation for pay protection contrary to the willingness. The said representation is filed which is marked as Exhibit M/11. He has stated that the management rejected the representation of protection of pay and offered him to return on the original post within 7 days. The said letter is filed and marked as Exhibit M/12. Thus it is clear that the workman accepted the change of cadre and initial pay

himself voluntarily. This shows that the management is justified in not protecting the pay on his change of cadre. This issue is decided against the workman and in favour of the management.

6. Issue No. II

On the basis of the discussion made above, it is evident that there is no case of the workman. He is not entitled to any relief. The reference is accordingly answered.

7. In the result, the award is passed without any order to costs.
8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 4 अगस्त, 2011

का.आ. 2356.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 32/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/98/2004-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th August, 2011

S.O. 2356.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of New Majari U/G Sub Area of Western Coalfields Limited, and their workmen, received by the Central Government on 4-8-2011.

[No. L-22012/98/2004-IR (CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PERSIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/32/2005 Date: 20-7-2011

Party No. 1 : The Sub Area Manager,
New Majari U/G Sub Area of WCL
PO : Sasti. Tah.- Rajura, Distt.
Chandrapur (M.S.)

Versus

Party No. 2 : Shri B.S. Ishwarkar, Working President

National Colliery Mazdoor Congress,
Br. Chandrapur Area, Vitthal Mandir
Ward, Vijay Bhawan, Chandrapur (M.S.)

AWARD

(Dated : 20th July, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of New Majari U/G Sub Area of Western Coalfields Ltd. and their workman, Shri Prakash Joseph Talawar, for adjudication, as per letter No. L-22012/98/2004-IR(CM-II) dated 14-2-2005, with the following schedule:—

"Whether the action of the management in relation to New Majari U/G Sub Area of Western Coalfields Limited in terminating the services of Shri Prakash Joseph Talawar, Clerk, New Majari Colliery No. 3 vide office No. बेकलि/एनएमसी-3/प्रबंधक/कार्मिक/2002/2308 dated 24-1-2002 is legal and justified? If not, to what is the workman entitled?"

2. O receipt of the reference parties were notice to file their respective statement of claim and written statement, in response to which, the workman filed the statement of claim and the management of WCL ("Party No. 1" in short) filed the written statement.

The case of the workman is that he was selected and appointed as a General Mazdoor category I by the party No. 1 and on 1-1-89, he was promoted as clerk grade III and while he was working as a clerk in new Majari U/G sub area, on 2-3-2001 a charge sheet was submitted against him on the allegations of his committing different acts of misconduct, such as tampering with the attendance register and overwriting and initialing his attendance on some specified dates, on which he had been marked absent earlier, by the controlling officer, as he had not attendance his duties and that of habitual absenteeism and he was asked to show cause within 72 hours and as he did not submit the show cause within time, the party No. 1 decided to conduct a departmental enquiry against him and Shri D.C. Gupta was appointed as the enquiry officer and on 24-3-2001, he submitted his show cause denying the charges and in the departmental enquiry, the enquiry officer found the charges levelled against him to have been proved and submitted his report to the Disciplinary Authority on 28-6-2001 and on 14-1-2002, a show cause notice was served on him along with the report of the enquiry officer and he submitted his reply on 15-1-2002 and the Disciplinary Authority passed the orders for termination of his service on 24-1-2002. The further case of the workman is that the charges framed against him were vague, false and baseless and the enquiry was defective and

and the order of dismissal from service is improper, legal and shockingly disproportionate.

3. The Party No. 1 in its written statement has pleaded that the workman was working in New Majri U/G No. 3 as a clerk, before he was terminated from service, vide order dated 24-1-2002 and the workman had become habitual in committing acts of misconducts and he tampered with the attendance register and made overwriting and initial his attendance on the dates, on which, he had been marked absent and had not attended his duty and he was also a habitual absentee and as such, charge sheet dated 13-3-2001 was issued against him and as the workman did not submit the show cause within the stipulated time, it was decided to start a department enquiry against him and Mr. D.C. Gupta was appointed as the enquiry officer and the workman participated in the enquiry and the enquiry was conducted by following the principles of natural justice. The enquiry officer after analyzing the evidence produced by the parties before him, found the workman to be guilty of the charges and accordingly submitted his report and the Disciplinary Authority after considering the seriousness of the misconduct, passed the order of dismissal from service and the departmental enquiry held against the workman was just and proper and the punishment imposed against him is legal and proportionate to the offence and the workman is not entitled for any relief.

4. As this is a case of dismissal from service of the workman, after holding a departmental enquiry, the question of the validity of the enquiry had been taken up as a preliminary issue and as per order dated 9-9-2010, the departmental enquiry was held to be proper, legal and in accordance with the principles of natural justice.

5. It is necessary to mention here that after filing of statement of claim, neither the workman nor the union appeared in this case to participate in the further proceedings.

6. In his argument, it was submitted by the learned advocate for the party No.1 that the workman has not pleaded in his statement of claim that the report of the enquiry officer was perverted and therefore, there is no necessity to examine the issue, in absence of any specific pleading from the side of the workman and on perusal of the findings of the enquiry officer, it can be found that the findings are based on the materials on record and are not opposed to the evidence on record and the enquiry officer has analyzed the evidence in a rational and objective manner and has given logical and dispassionate finding, without any element of bias and prejudice and it can also be found from the record that the punishment imposed against the workman is not shockingly disproportionate to the proved misconducts in a duly conducted departmental enquiry. In support of such contentions, reliance was placed on the decisions reported in AIR 1972 SC-2182 in *Banarus Electric light and power Co. Ltd. Vs. The*

Labour Court 2 Lucknow), 2001 LAB IC-2367(*Syed Rahimuddin Vs. Director General CSIR*), 1996 Lab IC 462 (*B.C. Chaturvedi Vs. Union of India*), 2003 Lab IC-757 (*Regional Manager, UPSRTC Vs. Hotilal*), 2005 Lab IC-4158 (*V. Ramana Vs. APSRTC*), 2005 Lab IC- 854 (*Bharat Forge Co. Ltd. Vs. Uttam Manohar Nakate*).

7. Perused the record including the documents relating to the departmental enquiry and found that the findings of the enquiry officer are based on evidence on record. The enquiry officer has assigned reasons in support of his findings. The findings are found to be not perverted. Applying the principles enunciated by the Hon'ble Apex Court in the decisions relied on by the party No. 1 to the facts and the circumstance of the present case, it is found that the punishment of dismissal from service imposed against the workman is not shockingly disproportionate to the proved misconducts of the workman in a proper and legal departmental enquiry and as such, there is no scope to interfere with the order punishment. Hence it is ordered:

ORDER

The action of the management of in relation to New Majri U/G Sub Area of Western Coalfields Limited in terminating the services of Shri Prakash Joseph Talawar, Clerk, New Majri Colliery No. 3 vide office No. केकेलि/एनएमसी-3/प्रबंधक/कार्मिक/2002/2308 dated 24-1-2002 is legal and justified. The workman is not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 4 अगस्त, 2011

का.आ. 2357.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 215/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/313/2007-आई आर(सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th August, 2011

S.O. 2357.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 215/2011) of the Central Government Industrial Tribunal cum-Labour Court, No.1, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 4-8-2011.

[No. L-22012/313/2007-IR (CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO. 1, KARKARDOOMA COURTS COMPLEX
DELHI**

I.D. No. 215/2011

The Organising Secretary,
Food Corporation of India Worker Union,
8585, Arakashan Road,
Paharganj, New Delhi-110055 Workman

Versus

The Chairman-cum-Managing Director,
Food Corporation of India,
16-20, Barakhamba Lane,
New Delhi-110001 Management

AWARD

Gang-wise seniority, along with other attributes like physical fitness and suitability for the job etc., was agreed to be considered for promotion of departmental labour ranks, vide memorandum of settlement dated 24th of May, 1984, entered into between the Food Corporation of India (in short the Corporation) and F.C.I. Workers Union (in short the Union). It was further agreed upon that in case of LRP Sardars and Mandals are in existence in the depot, they will be given first preference in taking the place of regular vacancies of Sardars and Mandals whenever occurring and the promotee Sardars or Mandal from the gang will take the place of L.R.P. Sardar and Mandal. Where ever a suitable candidate is not available within the Gang, depot-wise seniority was to be made criteria for promotion, and Local Depot Council concerned was to be consulted on 24th of Feb. 2006, circular No. 7/2006 was issued by the Corporation whereas criteria of gang-wise seniority for promotion to the post of Mandal and Sardars was change to depot-wise seniority. The circular, referred above, became a bone of contention and the Union served a notice dated 12-12-2006 on the Corporation, intimating their proposal to go on strike in all depots of the Corporation, after expiry of notice period of 14 days. Regional Labour Commissioner (Central) Kolkata, intervened and memorandum of settlement dated 7-11-07 was entered into, during the course of conciliation proceedings. On the strength of the said settlement promotion policy of gang-wise seniority was replaced by depot-wise seniority.

2. A post of Sardar fell vacant in gang No. 1-B of Narela Depot on 1-5-05 Sh. Ram Kishan, the Mandal, became entitled for promotion to that post. The Union served demand notice dated 6th Dec. 2006, on the Corporation for promotion of Sh. Ram Kishan. When needful was not done, an industrial dispute was raised before the conciliation officer. The Corporation resisted the claim and conciliation proceedings ended in failure.

On consideration of the failure report, the appropriate Government referred the dispute to this Tribunal, vide order No. L-22012/313/2007-IR(CM-II) New Delhi dated 12-5-2008, with following terms:

“Whether the action of the management of Food Corporation of India in not promoting Shri Ram Kishan, Mandal to the post of Sardar in Narela Depot is legal and justified? To what relief is the workman concerned entitled?”

3. Claim statement was filed by the Union projecting that gang-wise seniority was to be considered for promotion of departmental labourers to the next higher rank. It has been asserted that post of a Sardar fell vacant in gang No. 1-B of Narela Depot on 1-5-05 and Sh. Ram Kishan was entitled to be promoted to that post by virtue of gang-wise seniority criteria, as per settlement dated 24-5-84. Willful delay in promotion of Sh. Ram Kishan cannot deprive him of his right to promotion. It was pleaded that the Tribunal may direct the Corporation to promote him on the said posts, on the basis of gang-wise seniority.

4. The Corporation demurred the claim pleading that clause 7 of settlement dated 24-5-84 was terminated vide notice dated 24-2-06, served on the Union. Gang-wise seniority was replaced by depot-wise seniority after reorganization of labour gangs, where ever required. The strength of Narela Depot projects that there were 33 gangs with 30 Sardar, 29 Mandals and 337 handling labourers. After reorganization/merger of incomplete gangs, there was requirement of 28 Sardar and 28 Mandals. Two Sardars and one Mandal were surplus in the said depot. Industrial dispute, raised by the Union, was resolved by way of tripartite settlement dated 7-11-07. In view of the changed position action of the Corporation in not promoting Sh. Ram Kishan is legal and justified. Even otherwise promotion cannot be claimed as a matter of right. It has been projected that the dispute, raised by the Union is, Unsustainable.

5. During the course of adjudication process, an application was moved by Sh. Ram Kishan on 27-7-2010, detailing therein that he has been promoted to the post of Sardar and as such the reference has become infructuous. The Union also moved an application projecting that the aforesaid workers are not parties to the dispute. The dispute was raised by the Union, claiming that the workman, referred above, were entitled to promotion from dates on gang-wise seniority criteria. A community interest was raised in the form of the dispute, which cannot be frustrated by the workman. The Corporation also moved an application pleaded therein that the workman concerned was promoted on the strength of conditional order, which has been challenged before High Court of Delhi. The Corporation claimed that the matter may be adjourned sine-die, awaiting outcome of the writ petition, so moved.

6. Parties, including the workman were called upon to file his affidavits, on changed circumstances. Sh. Ram Kishan projects that he has been promoted to the post of Sardar, vide order dated 22-4-2010. When dispute was raised he was member of the Union, but subsequently in the year 2010, he has obtained membership of F.C.I. Handling Workers Union. He claims that in the event of his promotion, the dispute nowhere subsists. According to him an award may be passed.

7. Shri Promod Kumar Nayak, Vice President of the Union, swears in his affidavit that Sh. Ram Kishan has violated the terms of settlement dated 24-4-84, when he has accepted his belated promotion order on 22-4-10. According to him, the workman is not a party to the dispute, which was sponsored by the Union. He asserts that the controversy was not limited only to his promotion but it was related to timely order of promotion, based on settlement dated 24-4-84.

8. Shri K.G. Ranjan, Assistant General Manager of the Corporation, projects that clause 7 of settlement dated 24-5-84 provides for promotion on gang-wise seniority, subject to fitness and clearance of physical endurance test. However depot-wise seniority was mentioned as base seniority. With the passage of time, number of persons in a labour gang reduced, owing to various reasons. It resulted into reduction of labour strength in gang which ultimately adversely affected the output of a gang. In view of changed scenario was a need to renew clause 7 of settlement dated 24-5-84. Based on study of Saxena Committee, circular No. 7 of 2006 was issued. Policy decision taken by the Corporation emerge out of settlement dated 7-11-07. Circular dated 20-11-07 was issued to enforce terms of settlement dated 7-11-07. He announces that the workman was promoted in contravention of circulars Nos. 7/2006, 11/07 and settlement dated 7-11-07. FCI Handling Workers Union filed a writ petition (civil) No. 3256 of 2010 seeking quashment of circular Nos. 7/2006 and settlement dated 7-11-07. High Court of Delhi, vide its orders dated 12-5-10 and 17-5-2010, has directed the Corporation to maintain status quo pertaining to the aforesaid circulars and settlement respectively. The Union also filed a writ petition (c) No. 3151/10, assailing promotion orders of the workman, which petition has been clubbed with the aforesaid writ petition. Promotion of the workman is also subject matter of the writ petitions, pending adjudication before High Court of Delhi.

9. As emerge out of the reference order, the Tribunal was required to adjudicate as to whether action of the Corporation in not promoting the workman to the post of Sardar was legal and justified and to what relief he was entitled. In response to that reference order, the Union projected a claim for promotion on gang-wise seniority

from a retrospective date, while the Corporation asserted that gang-wise seniority was replaced with depot-wise seniority criteria. Therefore the question, which is to be adjudicated, is as to whether the action of the Corporation in not promoting the workman is legal and justified. For adjudication of this primary question, rival parties have presented contradictory claims. Incidental question, which the Tribunal is supposed to adjudicate is as to whether promotion is to be made on gang-wise seniority or depot-wise seniority. Therefore on promotion of the workman with effect from 22-4-10 primary question has become infructuous. However incidental question needs adjudication to answer the bone of contention raised by the Union.

10. The industrial dispute raised by the Union pertains to terms of employment or conditions of labour of the workman. Though the dispute was espoused by Union, yet the workman is beneficiary of the adjudication of process. In such a situation, when main dispute, referred for adjudication, becomes infructuous the Union cannot claim that the workman is a stranger and he may not be heard over the matter. It may be that at the time of espousal of the dispute, the Union was haunted with the idea of adjudication of the issue so that future dispute may not crop up in respect of similarly placed departmental labour. But that idea of the Union and its pleadings in the claim statement cannot knock down real beneficiaries, whose promotional issue was raised for adjudication.

11. Without adjudication of the incidental issue, the Tribunal is not supposed to leave the process of adjudication in between. However the situation has changed. Writ petitions have been filed, which pend adjudication. Circulars issued by the Corporation touching its promotional policy of departmental labours and settlement dated 7-11-07 are under challenge in those writ petitions, besides the promotional order dated 22-4-10, issued in favour of the workman. Thus it is evident that the incidental question, which is yet to be adjudicated, is subject of adjudication in writ petitions referred above. Though the Tribunal has not been restrained by the High Court in proceedings with adjudication, yet it would be unadvisable to proceed further, since it would be productive of multiplication of litigation. The award of the Tribunal, on the incidental question referred above would be assailed before the court of writ jurisdiction, which would add to its docket. Adjournment of the matter sine-die would also not be in the interest of parties, since it would hang like sword of Damocles over the workman. Under these circumstances it would be apt for the Tribunal not to proceed with adjudication of incidental question and to leave the matter with an observation that outcome of the decision of the writ court will govern the answer of the said question.

12. In view of reasons detailed above, it is announced that in the event of promotion of the workman on 22-4-10 primary question referred for adjudication became infructuous. Incidental question, as to whether the workman was entitled to promotion on gang-wise seniority or depot-wise seniority, would follow the rule which would be announced by the High Court of Delhi in the aforesaid writ petitions. An award, is accordingly, passed. It be sent to appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated: 22-7-2011

नई दिल्ली, 4 अगस्त, 2011

का.आ. 2358.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 216/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/314/2007-आई आर(सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th August, 2011

S.O. 2358.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 216/2011) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 4-8-2011.

[No. L-22012/314/2007-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO. 1, KARKARDOOMA COURTS COMPLEX
DELHI**

I. D. No. 216/ 2011

The Organising Secretary,
Food Corporation of India Worker Union,
8585, Arakashan Road,
Paharganj,
New Delhi-110055.

.....Workman

Versus

The Chariman-cum-Managing Director,
Food Corporation of India,
16-20, Barakhamba Lane,
New Delhi-110001.

.....Management

AWARD

Gang-wise seniority, along with other attributes like physical fitness and suitability for the job etc., was agreed to be considered for promotion of departmental labour ranks, vide memorandum of settlement dated 24th of March 1984, entered into between the Food Corporation of India (in short the Corporation) and F.C.I. Workers Union (in short the Union). It was further agreed upon that in case L.R.P. Sardars and Mandals are in existence in the depot they will be given first preference in taking the place of regular vacancies of Sardars and Mandals whenever occurring and the promotee Sardars or Mandal from the gang will take the place of L. R. P. Sardar and Mandal. Where ever a suitable candidate is not available within the Gang, depot-wise seniority was to be made criteria for promotion, and Local Depot Council concerned was to be consulted on 24th of Feb. 2006, circular No. 7/2006 was issued by the Corporation whereby criteria of gang-wise seniority for promotion to the post of Mandal and Sardar was changed to depot-wise seniority. The circular, referred above, became a bone of contention and the Union served a notice dated 12-12-2006 on the Corporation, intimating their proposal to go on strike in all depots of the Corporation after expiry of notice period of 14 days. Regional Labour Commissioner (Central) Kolkata, intervened and memorandum of settlement dated 7-11-07 was entered into during the course of conciliation proceedings. On the strength of the said settlement promotion policy of gang-wise seniority was replaced by depot-wise seniority.

2. A post of Sardar fell vacant in gang No. 9-B at Narela Depot on 1-4-04 Mohd. Abzal, the Mandal, became entitled for promotion to that post. Likewise a post of Mandal was lying vacant in gang No. 16 of the said depot and Mohd. Atik was entitled for promotion to that post. The Union served demand notice dated 8th Dec. 2006, on the Corporation for promotion of Mohd. Abzal and Mohd. Atik. When needful was not done, an industrial dispute was raised before the conciliation officer. The Corporation resisted the claim and conciliation proceedings ended in failure. On consideration of the failure report the appropriate Government referred the dispute to this Tribunal, vide order No. L-22012/314/2007-IR (CM-II) New Delhi, dated 12-05-2008, with following terms:

“Whether the action of the management of Food Corporation of India in not promoting Md. Abzal Mandal to the post of Sardar and Md. Atik Handling Labour to the post of Mandal in Narela Depot is legal and justified? To what relief is the workman concerned entitled?”

3. Claim statement was filed by the Union projecting that gang-wise seniority was to be considered for promotion of departmental labourers to the next higher rank. It has been asserted that post of a Sardar fell vacant in gang No. 9-B of Narela Depot on 1-4-04 and Mohd. Abzal was entitled to be promoted to that post by virtue of gang-wise seniority criteria, as per settlement dated 24-5-84. A post of Mandal was also lying vacant in gang No. 16 of the said depot and Mohd. Atik, being the senior most handling labour in the said gang, was entitled to be promoted to that post. Willful delay in promotion of Shri Abzal and Atik cannot deprive them of their right to promotion. It was pleaded that the Tribunal may direct the Corporation to promote them on the said posts, on the basis of gang-wise seniority.

4. The Corporation demurred the claim pleading that clause 7 of the settlement dated 24-5-84 was terminated vide notice dated 24-2-06, served on the Union. Gang-wise seniority was replaced by Depot wise seniority after re-organization of labour gangs, where ever required. The strength of Narela Depot projects that there were 33 gangs with 30 Sardars, 29 Mandals and 337 handling labours. After reorganization/merger of incomplete gangs, there was requirement of 28 Sardars and 28 Mandals. Two Sardars and one Mandal were surplus in the said Depot. Industrial Dispute, raised by the Union, was resolved by way of tripartite settlement dated 7-11-07. In view of the changed position action of the Corporation in not promoting Mohd. Abzal and Mohd. Atik is legal and justified. Even otherwise promotion cannot be claimed as a matter of right. It has been projected that the dispute, raised by the Union is, Unsustainable.

5. During the course of adjudication process, an application was moved by Mohd. Abzal and Mohd. Atik on 27-7-2010, detailing therein that he have been promoted to the post of Sardar and Mandal respectively and as such the reference has become infructuous. The Union also moved an application projecting that the aforesaid worker are not parties to the dispute. The dispute was raised by the Union, claiming that the workman, referred above, were entitled to promotion from retrospective dates on gang-wise seniority criteria. A community interest was raised in the form of the dispute, which cannot be frustrated by the workman. The Corporation also moved an application pleading therein that the workman concerned were promoted on the strength of conditional order(s), which have been challenged before High Court of Delhi. The Corporation claimed that the matter may be adjourned sine-die, awaiting outcome of the writ petition, so moved.

6. Parties, including the workmen, were called upon to file their respective affidavits, on changed circumstances. Mohd. Abzal and Mohd. Atik project that he was been promoted to the post of Sardar and Mandal respectively, vide order(s) dated 22-4-2010. When dispute

was raised they were members of the Union, but subsequently in the year 2010 they have obtained membership of F. C. I. Handling Workers Union. They claim that in the event of their promotion, the dispute nowhere subsists. According to them, an award may be passed.

7. Shri Promod Kumar Nayak, Vice President of the Union, swears in his affidavit that Mohd. Abzal and Mohd. Atik have violated the terms of settlement dated 24-4-84, when their accepted they have belated promotion order on 22-4-10. According to him, the workman are not a parties to the dispute, which was sponsored by the Union. He asserts that the controversy was not limited only to their promotion but it was related to timely order of promotion, based on settlement dated 24-4-84.

8. Shri K. G. Rajan, Assistant General Manager of the Corporation, projects that clause 7 of settlement dated 24-5-84 provides for promotion on gang-wise seniority, subject to fitness and clearance of physical endurance test. However depot-wise seniority was mentioned as base seniority. With the passage of time, number of persons in a labour gang reduced, owing to various reasons. It resulted into reduction of labour strength in gang which ultimately adversely affected the output of a gang. In view of changed scenario there was a need to renew clause 7 of settlement dated 24-5-84. Based on study of Saxena Committee, circular No. 7 of 2006 was issued. Policy decision taken by the Corporation emerge out of settlement dated 7-11-07. Circular dated 20-11-07 was issued to enforce terms of settlement dated 7-11-07. He announces that the workmen were promoted in contravention of circulars Nos. 7/2006, 11/07 and settlement dated 7-11-07. F.C.I. Handling Workers Union filed a writ petition (civil) No. 3256 of 2010 seeking quashment of circular Nos. 7/2006, 11/2007 and settlement dated 7-11-07. High Court of Delhi, vide its orders dated 12-5-10 and 17-5-2010, has directed the Corporation to maintain status quo pertaining to the aforesaid circulars and settlement respectively. The Union also filed a writ petition (c) No. 3151/10, assailing promotion orders of the workmen, which petition has been clubbed with the aforesaid writ petition. Promotions of the workman are also subject matter of the writ petitions, pending adjudication before High Court of Delhi.

9. As emerge out of the reference order, the Tribunal was required to adjudicate as to whether action of the Corporation in not promoting the workmen to the post of Sardar and Mandal was legal and justified and to what relief they were entitled. In response to that reference order, the Union projected a claim for promotion on gang-wise seniority from a retrospective date, while the Corporation asserted that gang-wise seniority was replaced with depot-wise seniority criteria. Therefore the

question, which is to be adjudicated, is as to whether the action of the Corporation in not promoting the workmen is legal and justified. For adjudication of this primary question, rival parties have presented contradictory claims. Incidental question, which the Tribunal is supposed to adjudicate is as to whether promotion is to be made on gang-wise seniority or depot-wise seniority. Therefore on promotion of the workmen with effect from 22-4-10 primary question has become infructuous. However incidental question needs adjudication to answer the bone of contention raised by the Union.

10. The industrial dispute raised by the Union pertains to terms of employment or conditions of labour of the workmen. Though the dispute was espoused by the Union, yet the workmen are beneficiary of the adjudication of process. In such a situation, when main dispute, referred for adjudication, becomes infructuous the Union cannot claim that the workmen are stranger and they may not be heard over the matter. It may be that at the time of espousal of the dispute, the Union was haunted with the idea of adjudication of the issue so that future dispute may not crop up in respect of similarly placed departmental labour. But that idea of the Union and its pleadings in the claim statement cannot knock down real beneficiaries, whose promotional issue was raised for adjudication.

11. Without adjudication of the incidental issue, the Tribunal is not supposed to leave the process of adjudication in between. However the situation has changed. Writ petitions have been filed, which pend adjudication. Circulars issued by the Corporation touching its promotional policy of departmental labours and settlement dated 7-11-07 are under challenge in those writ petitions, besides the promotional order dated 22-4-10, issued in favour of the workmen. Thus it is evident that the incidental question, which is yet to be adjudicated, is subject of adjudication in writ petitions referred above. Though the Tribunal has not been restrained by the High Court in proceedings with adjudication, yet it would be unadvisable to proceed further, since it would be productive of multiplication of litigation. The award of the Tribunal, on the incidental question referred above would be assailed before the court of writ jurisdiction, which would add to its docket. Adjournment of the matter sine-die would also not be in the interests of parties, since it would hang like sword of Damocles over the workmen. Under these circumstances it would be apt for the Tribunal not to proceed with adjudication of incidental question and to leave the matter with an observation that outcome of the decision of the writ court will govern the answer of the said question.

12. In view of reasons detailed above, it is announced that in the event of promotion of the workmen on 22-4-10 primary question referred for adjudication

became infructuous. Incidental question, as to whether the workmen were entitled to promotion on gang-wise seniority or depot-wise seniority, would follow the rule which would be announced by the High Court of Delhi in the aforesaid writ petitions. An award, is accordingly, passed. It be sent to appropriate Govt. for publication.

Dated: 22-7-2011

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 5 अगस्त, 2011

का.आ. 2359.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद न.-1 के पंचाट (संदर्भ संख्या 98/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-2011 को प्राप्त हुआ था।

[सं. एल-20012/34/1989-आई आर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 5th August, 2011

S.O. 2359.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 98/1998) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad, as shown in the Annexure in the Industrial Dispute between the management of M/s. BCCL and their workman, which was received by the Central Government on 5-8-2011.

[No. L-22012/34/1989-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d) (2A) of I.D. Act.

Reference No. 98 of 1998

Parties : Employers in relation to the management of Mudidih Colliery of M/s. B.C.C. Ltd.

AND

Their workman

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES :

For the Employers : Shri H. Nath, Advocate.

For the Workman : Shri S.N. Goswami, Advocate

State : Jharkhand

Industry : Coal

Dated the 25-7-2011

AWARD

By Order No. L- 20012/34/89-IR(Coal-I) dated 28-8-89 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the I.D. Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Mudidih Colliery of Sijua Area No. V of M/s. Bharat Coking Coal Ltd. in stopping Shri Sakaldeo Singh, Attendance Clerk from duty is justified? If not, to what relief is the workman entitled?”

2. The case of the concerned workman is that he was a permanent employee of Mudidih Colliery Area No. V of BCCL working as Attendance Clerk. He was transferred to Chanch Victoria Area No. XII of BCCL by Personnel Manager vide order dated 21-5-1976 and he was released vide office order dated 26-5-76. But he was allowed to join his duty at Chanch Victoria due to vagueness of the office order, nor he was allowed to join at Mudidih Colliery in spite of giving representation to the management. But neither the management of Mudidih Colliery nor Chanch Victoria Colliery had taken responsibility for joining in duty to the concerned workman. The concerned workman has been restraining to join in duty and in stopping to perform duty without complying with Sec. 25-F of I.D. Act is unjustified, illegal, arbitrary which amounts to wrongful stoppage of work and he is legally entitled for re-instatement in the service with back wages.

It has been prayed that this Hon'ble Tribunal be pleased to pass an award in favour of the workman by directing the management to re-instate the concerned workman with back wages since 26-5-76 till the date of his resumption of duty.

3. The case of the management is that the concerned workman was never stopped from his duties. It has been submitted that an office order dated 21-5-76 was issued from the office of the Director (Personnel) transferring six workman from one area to another with the approval of the competent person. The concerned workman was transferred from Mudidih Colliery, Area No. V to Area No. XII, Chanch-Victoria Area, and he was released vide order dated 25-5-76. The Peon went to the residence of the concerned workman to deliver the letter on 25-5-76, 28-5-76, 3-6-76 and 11-6-76. But as the concerned workman left the colliery to avoid his transfer, the peon could not personally hand-over the letter to him. Therefore the letters were sent by registered post which was returned back with the postal remarks that the concerned workman was not available at his home. He declared sick in the meantime and left the colliery for the reasons best known to him. The Chief Personnel Manager of BCCL issued a letter dated 24/26-6-76 by regd. post calling explanation from the concerned

workman, but he did not submit any reply and did not join at Area No. XII and started absents. In the year 1989 he has raised the present dispute on the false allegation that he was stopped from his duties by the management of Mudidih Colliery.

In such circumstances, it has been prayed that this Hon'ble Tribunal be pleased to pass an award holding that the concerned workman is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. No oral evidence has been produced by any of the sides.

6. Main argument advanced on behalf of the concerned workman is that he has been stopped by the management from duty. It has been argued that he was transferred by Mudidih Colliery where he was working as Attendance Clerk as permanent employee of that colliery and worked as Attendance Clerk continuously, but he had been transferred to Chanch-Victoria Colliery by office order dated 21-5-76 and he was released vide officer order No. 1365 dated 26-5-76 and he had not been allowed to join at Chanch-Victoria Colliery nor he was allowed to join at Mudidih Colliery though he had given representation to the management. It has also been argued that he was transferred and released from Mudidih Colliery without giving details of his salary, scale of pay etc. The concerned workman for this purpose moved application before the General Manager, Sijua Area on 16-11-1987 to resume his duty but he was not allowed. He also gave another application on 29-5-76 which was received by the management on 29-5-76 and also General Manager, Area No. V on 31-5-76 that he was not allowed to join in the capacity of Attendance Clerk, but no action was taken by the management. It only shows that the management official was adamant to harass the workman without his fault. Another letter was issued by the management to the concerned workman for not joining duty. It only shows that one side management does not allow to join duty and in issuing letter they are adamant to harass the workman in another way. The concerned workman died on 25-1-1999 during the pendency of the case and his son, Viswa Vijay Singh, was substituted in place of the concerned deceased employee, Sakaldeo Singh.

7. Considering the above facts and circumstances, it shows that the action of the management Mudidih Colliery of Sijua Area No. V of M/s. Bharat Coking Coal Ltd. stopping that he is entitled 50% back wages from the date of stoppage of his duty till his death i.e. 25-1-1999. Management is directed to implement the award within 30 days from the date of publication of the award.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 5 अगस्त, 2011

का.आ. 2360.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 291/99) को प्रकाशित करती है, उसे केन्द्रीय सरकार को 4-8-2011 को प्राप्त हुआ था।

[सं. एल-41011/14/99-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 5th August, 2011

S.O. 2360.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 291/99) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between employers in relation to the management of Northern Railway and their workmen, received by the Central Government on 4-8-2011.

[No. L-41011/14/99-IR (B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAM PARKASH, HJS,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
KANPUR**

Industrial Dispute No.291 of 99

BETWEEN

Sri Dina Nath Tewari,
Divisional Organization Secretary,
Uttar Railway Karmchari Union, 119/74,
Kanpur.

And

The Divisional Railway Manager,
Northern Railway,
Allahabad.

AWARD

1. Central Government MoL New Delhi vide notification No. L-41011/14/99/IR(B-1) dated 26-10-99, has referred the following dispute for adjudication to this tribunal-

2. Whether the action of the management of Northern Railway in terminating the services of Sri Ram Krapal with effect from 6-1-97, is justified? If not what relief the workman is entitled to?

3. Brief facts are -

4. It is alleged that the claimant Sri Ram Krapal was appointed as a casual gang-man by the opposite party on 14-03-74 under PWI Head Quarter Northern Railway Kanpur and after completion of 120 days he was made regular. At the time of regular he was also been awarded wages under the Payment of Wages Act. As he was getting wages under Payment of Wages Act so the department sent a letter to him in the year 1996 for taking him on duty, but when the claimant reached therefor duty he was not taken on duty. On this he started writing registered letters to the department. There was a case pending for his regularization before ALC(C) Kanpur, at the same time he was taken on duty by the opposite party on 21-5-97. While he was taken on duty on 21-5-97, he was not asked to submit any explanation which shows that he has been innocent and did not remained absent unauthorized manner. During the pendency of the conciliation proceedings before ALC(C) Kanpur, the opposite party issued a charge sheet dated 8-5-97 served upon him on 23-5-97. He submitted the reply dated 29-5-97 showing him to be innocent and saying that he always was willing to serve but he was not taken on duty. But the disciplinary authority without considering his explanation on the charges levelled against him appointed an enquiry officer on 9-5-97. The appointment officer was made with a malafide intention with a motive to punish him. The claimant was sent a registered letter dated 5-7-97 by Assistant Division Engineer N.R. Etawah, which was received by him on 9-7-97 at his home and replied by him on 10-7-97. He expressed that he has not been absent since 26-6-97 but remained present on 26 and 27-6-97. He was also given duty pass on 27-6-97, which was dated 25-6-97 wherein he was directed to report for his duty under Bahukar Gang man at Bhupatsarai railway station and a receipt of that letter was also taken from him. On 29-6-97 and 30-6-97 there was Weekly holidays and after seeking permission he had come to his residence Kanpur where he fell ill on 1-7-97 and he sent a telegram about his illness on 3-7-97. He remained under the treatment of a private doctor till 10-8-97. While he was to report for his duties on 11-8-97 in the way he met with an accident and seriously injured as a result of which he was admitted in the railway hospital on 11-8-97 and submitted written information to this effect on 20-8-97 to Sr. Divisional Engineer Etawah. On the basis of his information he was issued a sick memo by the concern officer on 20-8-97. Railway doctor has also received a certificate dated 20-8-97 that he remained sick till 18-10-97. On 19-10-97 he presented himself for duty after giving an application. Thereafter getting leave on 21-10-97 and on 22-10-97 he came to his home at Kanpur, where his wife was seriously ill on this he made an application for extending his leave for 12 days and sent the same by registered. It is contended by the claimant that though he was not present on duty during period from 29-5-97 till the date passing of the final orders by the

disciplinary authority but he remained under medical treatment by a private doctor and was also remained under treatment of railway doctor. His presence was only for one or two days.

5. During the period of inquiry he received communication regarding progress of domestic inquiry and on account of his illness he made a request that due to his illness he is completely unable to participate in the domestic enquiry but that request was ignored and the concerned authorities in an arbitrary and illegal manner concluded an ex-parte inquiry against him and punished accordingly.

6. Opposite party has filed written statement wherein it is stated that on 9-10-82 hundred casual labourers on account of being surplus at Kanpur were shifted to Etawah under PWI Etawah. Sri Ram Krapal reached Kanpur on 16-10-82, and pressed the P/WI to mark him present for the period 9-10-82 to 16-10-82 though he did not attend the duties during that period. The PWI refused to mark him present. Thereupon there was a serious marpit. 48 workmen including Sri Ram Krapal were retrenched. Thereupon ALC Kanpur had conciliation proceedings and it was settled that all the 48 workers involved in the dispute will be reinstated and the period of their absence will be treated as dies non. All the relevant documents have been annexed with the reply of the opposite party. According to the above settlement Sri Ram Krapal did not report for duty hence he remained retrenched employee. However the claimant on false pretext filed 17 cases, though certain cases were decided in his favour. In one of the case which was running in civil court the standoff the railway was that the claimant was a retrenched employee was accepted. It is undisputed fact that the claimant was retrenched employee and he never reported for duty. The claimant approached the administration he was assigned the duty he took the pass and papers for joining duty but did not report for duty and had been submitting false letters. Thereupon a full fledged disciplinary proceeding was initiated and the claimant was removed from his services. He also preferred an appeal and the same was rejected. It is also stated that this court has no jurisdiction. They have also filed Para wise comments denying the aversion of the claimant. It is also stated that there was no deviation of law and rules of natural justice in the conduct of inquiry and award of punishment were fully complied with. Therefore, the claim of the claimant lacks merit and is liable to be rejected.

7. The claimant has also filed rejoinder but nothing new has been stated therein except reiterating the facts of the claim statement.

8. Both the parties have filed the documentary evidence.

9. Before deciding the case on merits a preliminary issue has been framed in this case which is as follow.

10. Whether the domestic inquiry conducted by the management was fair and proper.

11. To decide this issue a fair opportunity of hearing was given to both the parties. In this respect the claimant has adduced himself as W.W.1 the opposite party has adduced evidence of Sri P N Singh M.W.1.

12. After examining the oral as well as documentary evidence the aforesaid preliminary issue was decided by me on 4-4-2011 by a detailed order by holding that the enquiry conducted by the management against the claimant was vitiated. In that order I have given an opportunity to the opposite party to prove the charges before this tribunal. But despite several dates the opposite party failed to produce any cogent and direct evidence in support of the charges.

13. Initially burden lies upon the management to prove the charges but they failed to prove the charges. Even then the claimant produced himself in evidence and proved his case but the management failed to discharge their burden, therefore in the given circumstances of the case the tribunal has no hesitation to believe the claim of the workman. medically examined and the doctor has declared him fit. In the year October 1982 he was transferred and made to work under Assistant Engineer Special Etawah from Kanpur. He has appeared before Sri P N Singh PWI on 9-10-82, who has written to Sri Pal a mate saying that he will be taken on duty. Accordingly his name was entered in the attendance sheet at serial no.15 and there is an endorsement of joining his duty on 9-10-82. PWI has asked the mate to mark his attendance but the column against his name in the attendance register remained unmarked most of the time due to which PWI started feeling animosity against the claimant. On 16-10-82 the claimant was on duty at the place of 1102/325, where the PWI Sri P N Singh came there to see the site. The claimant again made a request that his attendance is not being marked in the attendance register. On this the PWI misbehaved with him and there was a hot discussion. The persons who were present there intervened. On this a fake complaint was sent to GRP 'Phaphoond' on 16-10-82. It shows that the claimant was present at his working place on 16-10-82. Thereafter the PWI stopped taking work from the claimant and other gang man who were present on 16-10-82. The matter was sent to ALC Kanpur and according to compromise in between the parties on 31-1-83, 47 gang men were taken on work on 7-2-83. Claimant also reached at the place of his duty praying that he should also be taken on work but he was refused. When the claimant was taken on duty and he was not paid wages accordingly, then he made complaint under Payment of Wages Act, 1936. The cases are 609/83 and on words which are mentioned in Para 6 of the claimant statemet and certain cases are still pending.

14. Therefore from the above discussion I hold that the action of the management in terminating the services

of the workman with effect from 6-11-97 is neither legal nor justified. Accordingly the workman is entitled to be reinstated in service with consequential benefits attached with the post.

15. Accordingly for the reasons given above the reference is answered in favour of the workman and against the management.

Dt. : 25-7-11

RAM PARKASH, Presiding Officer

नई दिल्ली, 5 अगस्त, 2011

का.आ. 2361.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद नं.-1 के पंचाट (संदर्भ संख्या 158/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-2011 को प्राप्त हुआ था।

[सं. एल-20012/303/1989-आईआर (सी-1)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 5th August, 2011

S.O. 2361.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 158/1990) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad as shown in the Annexure in the Industrial Dispute between employers in relation to the management of M/s. BCCL and their workmen which was received by the Central Government on 5-8-2011.

[No. L-20012/303/1989-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act.

Reference No. 158 of 1990

Parties : Employers in relation to the management of
Moonidih Project of M/s. B.C.C. Ltd.

AND

Their Workman

Present : Shri H. N. Singh, Presiding Officer.

Appearances :

For the Employers : Shri D. K. Verma, Advocate

For the Workman : Shri B. B. Dwivedi, Advocate.

State : Jharkhand

Industry : Coal

Dated, the 27-7-2011

AWARD

By Order No. L-20012/303/89-IR (Coal I) dated 13-7-90 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec (1) and sub sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Moonidih Project, M/s. Bharat Coking Coal Ltd., P.O. Moonidih, Dist. Dhanbad in stopping three increment of Shri A.N. Dwivedi, Foreman-in-Charge under order dated 15-/17-12-87 was justified? If not, what relief the workman is entitled?”

2. The case of the concerned workman is that he was issued a charge-sheet dated 12-12-1985, which reads as —

“It has been reported that on 21-11-85 in the first shift at about 11-00 A.M. while you were supervising the job of salvaging of old cable from Shift No. 1, the cable slipped and this resulted a fatal and one serious accident. Thus you have not absorbed the safety provision as per Mines Rules and Regulation while supervising the above job. Your above acts amounts to misconduct as per Certified Standing Orders applicable to moonidih Project on account of the following charges :—

17(i) (f) — Habitual or serious neglect of work.

17(i) (q) — Any breach of Mines Act, 1952 or any other Act of any Rules regulations bye-laws thereunder or any Standing Orders.”

Shri Dwivedi was requested to submit written explanation to Supdt. of Mines, Moonidih within 3 days of receipt of charge-sheet. He replied to the charge-sheet and submitted that the denial of adequate opportunity to defend himself amounts to miscarriage of justice. Prior to issue of the charge-sheet there was a preliminary enquiry held by Shri A. K. Mimdy, Safety Officer, Sri K. K. Mishra, Safety Engineer, Moonidih on the basis of the enquiry held by them. All they did not specifically find the concerned workman guilty of negligence in duty. A domestic enquiry was ordered under which the concerned workman was found guilty for violation of Regulation-190 and was awarded punishment by the management for denying him three annual increments. He filed a representation to the management to set aside the punishment order which was not accepted. Then an industrial dispute was raised which ended in failure and then the dispute has been referred to this Tribunal for adjudication.

It has been submitted that the concerned workman did not get proper opportunity to give a proper explanation and therefore, was highly prejudiced. The enquiry officer should have provided in that opportunity to defend himself properly. In this respect proper action was not taken by the Enquiry Officer. Director General of Himes Safety did not

lodge any criminal case against the concerned workman for any violation of Coal Mines Regulation under Clause-190. It has been submitted that the concerned workman was not governed by a Standing Order of Moonidih Colliery for the reason that he was appointed by N.C.D.C.

It has been prayed that the punishment of withholding 3 annual increments by the management is unjustified and the Hon'ble Tribunal be pleased to pass an award setting aside the order of punishment and directing the management to pay back wages and other emoluments as admissible to him.

3. The case of the management is that the concerned workman performs mainly supervisory duties and draws wages more than Rs. 1600 per month. Therefore, he is not a workman as per provision of Sec. 2(s) of the I.D. Act and the present reference is not arising out of any industrial dispute. The concerned workman, Foreman-Incharge B. L. Shivnarayan committed serious contravention of Regulation 190 of the C.M.R. 1957 by deviating from normal procedure of Salvaging Cables installed in pits and adopting some unscientific procedure in a manner amounting to negligent acts on 21-11-85 at No. 1 Pit of Moonidih Project which resulted in death of B. L. Shivnarayan, the Engineer-Incharge of the job and serious injury to Sri Ishwar Manjhi, a workman engaged on that job. A chargesheet dated 12-12-85 was issued to the concerned workman on the allegation of commission of misconduct of neglect of work. He replied to the chargesheet on 18-5-85 shifting the responsibility to late B. L. Shivnarayan. The management appointed Sri H. R., Uppal, Supdt. Engineer (E&M) as Enquiry Officer by letter dated 22/23-10-86 to conduct the departmental enquiry relating to the chargesheet issued to the concerned workman. In the enquiry the concerned workman was given full opportunity to defend himself. After conducting enquiry the Enquiry Officer submitted his report on 29-9-87 holding the concerned workman guilty of the misconduct alleged against him. The matter was examined by competent authority and the G.M./Chief Mining Engineer approved for imposition of punishment on the concerned workman. The Supdt. of Moonidih Project issued the order of punishment by his letter dated 15/17-12-87 stopping three increments to him. It has been submitted that imposition of punishment is legal and justified.

It has been prayed that the Hon'ble Tribunal be pleased to pass the award holding that the concerned workman is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. No oral evidence has been given by either side.

The management has filed documents which have been marked as Exts. M-1 to M-8, on formal proof.

The concerned workman has filed documents which have been marked as Exts. W-1 to W-5, on formal proof.

6. Main argument advanced on behalf of the concerned workman is that the management illegally stopped his increments by order dated 15/17-12-87 on the ground of charge-sheet issued on 12-12-85 regarding incident taken place on 21-11-85 at 11 AM under Clause

17(1) (f)—"Habitual or serious neglect of work" and

17(1) (q)—"Any breach of the Mines Act, 1985 or any other Act or any rules, regulations or bye-laws thereunder, or of any Standing Orders."

7. The management argued that the concerned workman was chargesheeted, an enquiry was conducted and after enquiry he was found to be neglect of work under Clause 18(1) (f) and Clause 17(i) (q) of Certified Standing Orders.

8. The workman's representative argued that he is not covered by Certified Standing Orders of Moonidih Project as he is covered by National Coal Development Corporation and on this ground the charge-sheet is illegal and against the law. The management has failed to give any explanation that the Certified Standing Order of Moonidih Project is applicable to the concerned workman.

9. Another argument advanced on behalf of the management is that the concerned workman is supervisory staff drawing salary of Rs. 1600 per month, so he is not a workman under I.D. Act and so this dispute is not an industrial dispute. But in this respect the management has not filed any document to show that the concerned workman is a supervisory staff and getting more than Rs. 1600 p.m.

10. Another argument advanced on behalf of the concerned workman is that D.G.M.S. conducted enquiry in which he was not found responsible. He was working under instruction of Engineer-Incharge.

In this respect enquiry report submitted by M.H. mallick, Dy. C.M.E. (Safety), A.K. Ghosh, Addl. C.M.E.-(Safety) and S.P. Mukherjee, Supt. Eng. (Safety) and they found responsibility of only late Shivnarayan, whose fatal accident caused and he was highly experienced engineer and he was supervising the job and DGMS Enquiry Committee found no responsibility of the concerned workman regarding above accident. In this respect whole responsibility was on late Shivnarayan, who was experienced engineer and who was supervising the job.

Another letter which has been written by DGMS dated 28-4-1986 which states that (i) Sri B. L. Shivnarayan, Engineer, supervising the job ensured that, the operation of cable lifting was carried out by his subordinates in a safe manner, and thus the provision of Reg. 50(d) of Coal Mines Regulations, 1957, not been contravened.

(ii) Sri A. N. Dwivedi, Foreman Incharge and competent person not omitted to ensure that, the binding of the cable were adequately done, and thus the provisions of Reg. 190 of Coal Mines Regulations, 1957, not been negligently contravened.

In the above report it has been mentioned that A. N. Dwivedi Foreman Incharge is also held responsible for his failure to ensure that, the cable was adequately bound with the Winch rope, and thus he omitted to ensure safety of work persons. He is thus hold responsible for contravention of Reg. 190 of Coal Mines Regulations, 1967, which caused the accident.

In the enquiry no opportunity was given to the concerned workman for submitting his case and this enquiry was conducted in absence and back of the concerned workman, which cannot help the management (Ext. M-4).

Another argument advanced on behalf of the concerned workman that he was acquitted from criminal court as per Ext. W-4 under Sec. 304(A), 337, 338 and 287 I.P.C. So, the enquiry report can not be ground for stoppage of his increments. Ext. W-4 shows that the Judicial Magistrate, 1st Class, Dhanbad vide order dated 30-7-91 acquitted the concerned workman under Sec. 304(A), 337, 338 and 287 I.P.C. and held the prosecution has failed to establish the negligence of the accused persons by cogent evidence. So, the withholding of the increments workman can not be justified by the management.

11. Considering the above facts and circumstances, I hold that the action of the management of Moonidih Project, M/s. B.C.C. Ltd., P.O. Moonidih, Dist. Dhanbad in stopping three increments of Shri A. N. Dwivedi, Foreman-in-charge under order dated 15/17-12-87 was unjustified. So, the order of punishment of withholding three annual increments by the management is set aside and the concerned workman is entitled to be paid back wages accordingly. The management is directed to implement the award within 30 days from the date of publication of the Award.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 5 अगस्त, 2011

का.आ. 2362.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-1 के पंचाट (संदर्भ संख्या 163/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-2011 को प्राप्त हुआ था।

[सं. एल.-20012/135/1997-आईआर (सी-1)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 5th August, 2011

S.O. 2362.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 163/2000) of the Central Government Industrial Tribunal-cum-Labour Court-I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 5-8-2011.

[No. L-20012/135/1997-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act.

Reference No. 163 of 2000

Parties : Employers in relation to the management of Katras Area of M/s. B.C.C. Ltd.

AND

Their Workman

PRESENT : Shri H. M. Singh, Presiding Officer

APPEARANCES :

For the Employers : Shri D. K. Verma, Advocate

For the Workers : Shri S. Bose, Treasurer,
Rashtriya Colliery Mazdoor Sangh

State : Jharkhand

Industry : Coal

Dated, the 26-7-2011

AWARD

By Order No. L-20012/135/97-IR(C-I) dated 26-5-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the Rashtriya Colliery Mazdoor Sangh from the management of M/s. BCCL, Katras Area that Shri Ajab Lal Sharma, workman may be declared medically unfit for continued employment due to his heart problem is justified? If so, to what relief is the workman entitled?”

2. The case of the concerned workman is that he is a permanent employee in clerical cadre at Salanpur Colliery. During early 1992 he felt uncomfortable due to physical trouble and got himself admitted for treatment in the employer's Hospital in Katras Area. When no relief was received by him from the hospital treatment, the matter was taken by the union with the General Manager of Katras

Area. On his request, the C.M.D. of M/s. BCCL was pleased to refer him to Bokaro Steel Plant General Hospital for conducting 'X' Ray examination whereafter a fresh Medical Board was formed at Koyla Nagar Central Hospital on 1-12-94. No result was communicated to the concerned workman and he continued to suffer with his unknown ailments from which he has not recovered till date. The concerned workman could not concentrate on his daily routine much less to speak about performing duties as a clerk under the management. So he requested the management that he be given the benefit of medical unfit so that he can put his dependent son on a job under the management and he himself go back to his village home and pass time peacefully. In this respect no action has been taken by the management.

Under such circumstances, it has been prayed that the Hon'ble Tribunal be pleased to pass an award in favour of the concerned workman and direct the management to allow him all the benefits of medical unfitness as provided in the service conditions of the workman and also allow any other or further relief as may deem fit and proper.

3. The case of the management is that the concerned workman with a view to get his dependent employed made an attempt to indicate that he was medically unfit on account of heart trouble and demanded from the management to get him medically examined and to declare him medically unfit for continuing to the employment in the capacity of a clerk. The management referred his case to the Medical Board of M/s. BCCL, constituted at Koyla Bhawan Hospital and he was examined on 10-3-93 by the Apex Medical Board and he was declared medically fit to continue on his original job. His date of birth was 6-12-34 and he was scheduled to be superannuated w.e.f. 6-12-94. Therefore, he made another attempt to get himself medically examined by the Bokaro Medical Hospital for his examination. After receipt of the report from Bokaro Hospital, the Apex Medical Board was constituted to examine his case on 1-12-94 and they examined the case of the concerned workman in detail. Bokaro General Hospital indicated TMT report as positive and on that basis, it was examined and found that he was having schaeic heart disease which generally appears after a person cross the age of 50 and i.e. not a serious type of disease for declaring any workman unfit for his job. He continued to work on his original job and was superannuated w.e.f. 6-12-94. It has been submitted that demand for employment of dependent in Public Sector Undertaking is unconstitutional and void and only on compassionate ground, suitable cases are considered for employment of dependents. He continued to work till the date of his superannuation and his service was never terminated on the ground of medical unfitness, as Such, he cannot demand any relief by way of employment of dependent.

It has been prayed that the Tribunal be pleased to pass the award holding that the concerned workman is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The concerned workman produced himself as WM-1 and proved documents as Exts. W-1 to W-5 and "X" for identification.

The management has produced MW-1, Naresh Prasad.

6. Main argument advanced on behalf of the concerned workman is that the management not declared him medically unfit.

In this respect the management has argued that he was found fit. His medical examination was conducted two times and was found medically fit to perform his job. So he has demanded false claim for medical unfitness at the verge of retirement and to get his son employed.

In this respect WW-1 in his cross-examination stated that I was referred to Apex Medical Board on 10-3-93.

He also admitted that he was superannuated w.e.f. 6-12-94. He was referred to Bokaro General Hospital. After report of Bokaro General Hospital he was examined by the Apex Medical Board of the Management.

In this respect the concerned workman has filed Ext. W-3 which shows that he was found medically fit by Medical Board. So there is no question that he should be declared unfit by the management. It only shows that he wants to get employment of his son on the ground of medical unfitness at the verge of his superannuation.

7. The management argued the dispute was referred after superannuation of the concerned workman in the year 1997 to get his dependent son employed on the ground of medical unfitness which is unconstitutional and void.

8. considering the above facts and circumstances, I hold that the demand of the Rashtriya Colliery Mazdoor Sangh from the management of M/s. B.C.C.L., Katras Area that Sri Ajab Lal Sharma, Workman, may be declared medically unfit for continuing employment due to his heart problem is not justified and hence the concerned workman is not entitled to any relief.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 5 अगस्त, 2011

का.आ. 2363.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचाट (संदर्भ संख्या 10/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-2011 को प्राप्त हुआ था।

[सं. एल-17012/29/2004 आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 5th August, 2011

S.O. 2363.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-1/10 of 2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Mumbai now as shown in the Annexure in the Industrial Dispute between the management of Life Insurance Corporation of India, The Sr. Divisional Manager, B-26, Sudamapuri Society, Life Insurance of India, Divisional Office, Army School and their workmen, received by the Central Government on 5-8-2011.

[No. L-17012/29/2004-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, MUMBAI

Justic G. S. Sarraf, Presiding Officer

Refence No. CGIT-1/10 of 2006

PARTIES: Employers in relation to the management of
Life Insurance Corporation of India

AND

Their Workman (Arun Shankar Howale)

APPEARENCES:

For the Management : Mr. Bhalerao, Adv.

For the Workman : Mr. Umesh Nabar, Adv.

State : Maharashtra

Mumbai, dated, the 8th day of July 2011.

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) the Central Government has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of LIC of India in terminating the services of Shri Arun Shankar Howale w.e.f. 1-1-2000 is justified or not? If not, what relief he is entitled to and from which date?”

2. As per the statement of claim filed by the second party workman he was issued letter dt. 22-9-99 by the first party informing him that one post of peon was to be filled in on temporary basis with the Branch Manager of the first party at Miraj Branch and calling upon him to remain present at the branch office with original documents on 29-9-1999. He accordingly attended the office of Branch Manager, Miraj Branch where he was interviewed and thereafter a letter of appointment dt. 1-10-1999 was issued to him for the period from 4-10-1999 to 31-10-1999. He accordingly joined the services of the first party at Miraj Branch. He was thereafter issued another letter of appointment on 2-11-1999 appointing him on the post of

Peon on temporary basis for the period from 2-11-1999 to 30-11-1999 and thereafter he was appointed for the period from 2-12-1999 to 31-12-1999. After 31-12-1999 he was not issued any letter of appointment and instead some fresh person was appointed on the post held by him on temporary basis. The workman has prayed that the action of the first party in not continuing his services is in violation of the provisions of Sections 25-G and 25-H of the Act and that the termination of his services w.e.f. 31-12-1999 is illegal and unjustified. He has also prayed that he be reinstated by the first party w.e.f. 1-1-2000 with all consequential benefits arising out of such employment.

3. According to the written statement filed by the first party the workman is unnecessarily litigating without having any right of any nature whatsoever. The claim made by the workman is wholly misconceived and is not maintainable. Sections 25-G and 25-H of the Act are not applicable to the second party. According to the written statement there is no right of absorption or reinstatement to a person who was appointed purely on temporary basis against leave vacancy as in the case of the second party workman. The first party has, therefore, prayed that the claim of the second party workman be rejected.

4. The second party workman filed rejoinder.

5. The second party workman filed his affidavit and he was cross-examined by learned counsel for the first party. An affidavit of one Prabhakar Tukaram Shelar was filed on behalf of the first party and he was cross-examined by learned counsel for the second party workman.

6. Heard learned counsels for the parties.

7. It is clear from the letters of appointment that the second party workman was appointed against a temporary vacancy purely on temporary basis and strictly for the period mentioned in the appointment letters. The second party workman has worked for less than 90 days in total and he was last appointed for the period from 2-12-1999 to 31-12-1999. He raised controversy regarding his employment for the first time in 2002 that is after an expiry of more than three years. He was cross-examined on 28-2-2011 and there he stated that he was 44 years old.

8. Temporary employee cannot claim to be made permanent on the expiry of his term of appointment. It is not open to the Court to prevent regular recruitment at the instance of temporary employee whose period of employment has come to an end. Thus in my opinion the second party workman is not entitled to any relief in this matter.

9. The reference is answered in the manner stated hereinabove and it is held that the second party workman is not entitled to any relief.

10. An Award is made accordingly.

JUSTICE G. S. SARRAF, Presiding Officer

नई दिल्ली, 8 अगस्त, 2011

AWARD

Passed on this 22nd day of July, 2011

का.आ. 2364.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसराण में, केन्द्रीय सरकार दक्षिण पूर्व रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/48/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-2011 को प्राप्त हुआ था।

[सं. एल-41012/195/2001-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 8th August, 2011

S.O. 2364.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/48/02) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of South Eastern Railway, Bilaspur Division, (MP) and their workmen, received by the Central Government on 5-8-2011.

[No. L-41012/195/2001-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR**

No. CGIT/LC/R/48/02

Presiding Officer : Shri Mohd. Shakir Hasan

Shri B.S. Naidu,
Vice President, AIREC,
145, Keshular Aulas,
Samritivan Turning Point,
Ramkishore Nagar,
Bilaspur

...Workman

Versus

The Sr. DEN,
South Eastern Railway,
Bilaspur Division,
Bilaspur, Chhattisgarh

The Sr. DPO,
South Eastern Railway,
Bilaspur Division,
Bilaspur (Chhattisgarh)

...Management

1. The Government of India, Ministry of Labour vide its Notification No. L-41012/195/2001-IR(B-I) dated 22-3-2002 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the Railways through AEN, South Eastern Railways, Manendragarh in removing the services of Shri Bharat S/o Ramjiwan, Gangman w.e.f. 13-8-1998 is justified? If not, to what relief the workman is entitled?”

2. The case of the Union/workman in short is that the workman was initially appointed as a Gangman and was posted under Permanent Way Inspector, South Eastern Railway, Bijuri. He was served with a charge-sheet dt. 9-12-1997 for unauthorized absent w.e.f. 24-7-90. The same was received by him on 1-2-1998. He submitted his reply on 7-2-1998 wherein he categorically stated the reasons for his absence. He was mentally sick. The management initiated departmental enquiry and Shri N. C. Mandal, CIO was appointed as Enquiry Officer who informed the workman to attend the enquiry on 11-4-1998. It is alleged that the workman was not given proper opportunity to engage Defence Asstt. The workman requested to supply the copy of the statement but he was refused to provide the same. The Enquiry Officer did not provide the documents mentioned in the charge-sheet. There was no Presenting Officer and the Enquiry Officer also acted as a Presenting officer. After completion of the enquiry, the Enquiry Officer submitted his enquiry report which was supplied to him on 8-8-98. The Enquiry was conducted in a single day and there was no name of the witness who had given any statement before the Enquiry Officer without giving any time, the order of removal from service was issued by the Assistant Engineer, SE Railway on 13-8-1998 who was not appointing authority. The workman preferred an appeal against the removal order but the said appeal was not decided. On these grounds, it is submitted that the removal order dated 13-8-1998 be set aside and the workman be reinstated with back wages.

3. The management appeared and filed Written Statement. The case of the management, interalia, is that the statement of claim is filed by one Shri B. S. Naidu, said to be Vice Chairman of A.I.R.C. who is not an office bearer of the Registered Union. It is stated that the workman was habitual absentee and since 24-7-90, he was unauthorized absent from duty. He was admittedly chargesheeted. He accepted the charges during the enquiry and therefore he was removed from the service on his committing serious misconduct. He had not intimated about his sickness, nor submitted unfit certificate from the Railway Doctor. It is stated that he appeared in the departmental enquiry without any Defence Counsel though he was advised to

engage his Defence Counsel. In the instant case, the departmental enquiry was mainly based on documentary evidence and there was no need of nomination of Presenting Officer as per rule. It is stated that sufficient opportunity was provided to the delinquent workman but he had himself accepted the charges of his unauthorized absence. Assistant Engineer was appointing authority of the Gangman and he was rightly removed him from his service. On these grounds, it is submitted that the reference be answered in favour of the management.

4. On the basis of the pleadings of the parties, the following issues are settled for adjudication—

- I. whether the departmental proceeding conducted by the management against the workman is legal and proper?
- II. Whether the action of the management in removing the workman from services w.e.f. 13-8-98 is justified?
- III. To what other relief, the workman is entitled?

5. During the course of proceeding the Union/workman became absent and the workman did not turn up for cross-examination. As such evidence is of no use. Lastly the reference is proceeded ex parte against the Union/workman on 10-1-2011.

6. Issue No. I

Since the proceeding is ex parte against the Union/workman and therefore this issue is taken up along with other issues and is not taken up as preliminary issue. It is an admitted fact that the chargesheet dated 9-12-1997 was received by the workman and he submitted his reply of the chargesheet. It is also admitted that the workman appeared in the departmental proceeding. The notice dated 27-3-98 (Paper No. 10) filed by the management which shows that the workman was directed to appear in the enquiry on 11-4-98 with Defence Representative but the workman admittedly appeared in the enquiry without any Defence Representative. This shows that the opportunity was given to the workman to defend himself. The statement of the delinquent workman adduced before the Enquiry Officer shows that the workman had admitted the charges of unauthorized absence. The statement further shows that he had deposed voluntarily. There is no other evidence in rebuttal to prove that the statement was taken in coercion or duress. The documentary evidence clearly shows that the opportunity was given to the workman to defend himself.

7. The management has examined one witness. The management witness Shri R. Shankaran is Asstt. Personnel officer at Bilaspur. He has supported the case of the management. He has stated that the workman was habitual absentee and was continuously absent since 24-7-90. He had not submitted Private Medical Certificate as per rule nor any Unfit Certificate of the Railway doctor of the long absence. He had participated in the departmental enquiry

and the principle of natural justice was followed. He had voluntarily accepted the charges. This shows that there is no illegality in the departmental proceeding specially in absence of any evidence in rebuttal. I find that the departmental proceeding conducted by the management against the workman is legal and proper. This issue is, thus, decided in favour of the management.

8. Issue No. II

Considering the discussion made above, I find that the delinquent workman had voluntarily accepted the charges in departmental enquiry and there is no other evidence in rebuttal. Thus it is clear that the action of the management in removing the workman from service for long absence of about seven years is justified and proper. This issue is also decided in favour of the management.

9. Issue No. III

I find that there is no merit and the punishment appears to be just and proper. I further find that there is no need to interfere in the punishment order awarded to the workman by the management. Accordingly the reference is answered.

10. In the result, the award is passed without any order to costs.

11. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2365.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसराण में, केन्द्रीय सरकार न्यूक्लियर पावर कॉर्पोरेशन एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2, मुम्बई के पंचाट (संदर्भ संख्या 53/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-42012/262/2002 आईआर (सीएम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th August, 2011

S.O. 2365.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 53/2008) of the Central Government Industrial Tribunal-cum-Labour Court-2, Mumbai as shown in the Annexure, in the Industrial Dispute between the management of Nuclear Power Corporation, and their workmen, received by the Central Government on 8-8-2011.

[No. L-42012/262/2002-IR (CM-II)]

D. S.S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 2, MUMBAI****PRESENT :** K. B. KATAKE, Presiding Officer/Judge**REFERENCE No. CGIT-2/53 of 2008****EMPLOYERS IN RELATION TO THE MANAGEMENT
OF NUCLEAR POWER CORPORATION**M/s. Nuclear Power Corporation
Tarapur Atomic Power Station,
P.O. TAPP, Distt. Thane 401 504.**AND****THEIR WORKMEN**Shri Anant L. Nikam
P.O. Kulwandi Vadachi Wadi,
Tah. Taluka Khed,
Distt. Ratnagiri,
Ratnagiri (MS).**APPEARANCES :**For the Employer : Mr. V. J. Kantharia
Adv. i/b Rajesh Kothari & Co.

For the Workman : In person.

Mumbai, dated the 8th July, 2011.

AWARD PART-I

The Government of India, Ministry of Labour and Employment by its Order No. L-42012/262/2002-IR (C-II), dated 8-5-2003 sent this reference to CGIT No. 1, Mumbai. Thereafter as per order dt. 1-7-2008 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management by dismissing the services of Sh. Nikam with effect from 7-6-2002 is justified and legal? If not, to what relief the workman concerned is entitled to?”

2. After receipt of the reference, both the parties were duly served with notices. In response to the notice, the second party union has filed its statement of claim at Ex-3. According to them, the workman under reference was serving with Nuclear Power Corporation. He was suspended by the order dated 23-5-1996. He asked the reason for his suspension. They issued charge-sheet dt. 19-4-1996 alleging that the workman was unauthorisedly absent from 18-12-95 to 29-12-95, (b) he refused to accept letter dt. 24-1-96 from one Shri Chopdekar and Shri Pandey on 27-1-96 and 31-1-96, (c) for quarrelling with Chopdekar on 21-2-96 and saying that he had not seen such a person

like Mr. Chopdekar, (d) refusing to accept letter dated 2-3-96 from Mr. K. K. Singh.

3. The workman denied all the charges by his explanation dt. 25-5-96. As the inquiry could not be started within 6 months, he requested the management to drop the charges. Accordingly management dropped the charges and revoked his suspension. The workman, thereafter went to the office and tried to serve a letter to Mr. Rajappan, Manager (P & IR) in which he demanded all his dues and promotion. Mr. Rajappan refused to accept the letter. Therefore he sent the letter by fax. They did not reply his letter. He then wrote another letter by registered AD to the Station Director, Chief Administration Officer. He was not allowed to resume duty. He also did not get any reply. Therefore he filed a writ petition before Hon'ble High Court. The management submitted a report before Hon'ble High Court. Hon'ble High Court disposed of the writ and directed him to report the duty. However he was not allowed to resume the duty. His identity card was confiscated by Assistant Security Officer. He lodged police complaint and the security officer then issued him the receipt of identity card.

4. Again he approached Hon'ble High Court. Hon'ble High Court directed him to approach the Industrial Tribunal. In the meanwhile management served him with second chargesheet dt. 16-3-99. As the matter was pending before Hon'ble High Court, workman did not file any reply to the chargesheet. However he went to office to attend the inquiry. They did not allow him to enter in the office. So he could not attend the inquiry on 27-11-1999. On next dates, he attended the inquiry. The IO has not recorded the statement of the witnesses as per their say. IO recorded their statements as per his whim. The management witnesses were not examined in presence of the workman. The workman was not allowed to examine his witness. His statement was also not recorded. The IO submitted his report. The workman was dismissed from service without any show cause notice. No wages were paid to him during the period of suspension. No opportunity was given to the workman to cross examine the witnesses. He was also not allowed to examine his witness. No documents were shown to him. Opportunity was not given to him to file his written say. The inquiry is not fair and proper. It violates principles of natural justice. Therefore, the workman prays that the order of dismissal be set aside and he be reinstated in service with full backwages and continuity of service.

5. The first party resisted the statement of claim vide its written statement at Ex-5. According to them, the second party workman was appointed as a Watchman. However he was in a habit of late coming and used to remain absent unauthorisedly and without permission. Numbers of letters were issued to him. However he did not show any improvement. On the other hand he left the

head quarter without permission from 18-12-1995 to 12-01-1996 and remained absent. Showcause notice was issued to him. Assistant Security Officer tried to serve the second party with the notice. However second party refused to accept the same. On the other hand, he used threatening language to him who is a superior officer of the second party. Therefore, another showcause notice was issued to the second party. The second party was then placed under suspension and disciplinary proceeding was started against him. Second party had also picked up quarrel with his superior and threatened him. The second party also refused to accept official communications. Therefore he was chargesheeted. The second party vide his letter dtd. 25-05-1996 denied all the charges leveled against him.

6. The disciplinary proceedings were initiated against the second party on two occasions. The chargesheet dated 19-4-1996 was issued to the second party and the inquiry proceeding was conducted against him. Before initiating proceeding, second party was suspended. After completion of inquiry proceedings and pending decisions, suspension of second party was revoked vide order dtd. 9-2-1998 and he was directed to resume his duties. However inspite of service of several letters, the second party remained absent unauthorisedly. Therefore second chargesheet dtd. 16-3-99 was issued against him. Even in the second inquiry proceedings second party did not show any interest. He raised some frivolous and baseless pleas before the Inquiry Officer. Even after the copy of the inquiry report was sent to him, he remained silent. He also did not prefer appeal against the order of disciplinary authority. They denied that the evidence was not recorded as per the version of the witnesses. They denied that the second party workman was not given an opportunity to defend himself. According to them, sometimes he willfully remained absent. They denied that he was not allowed to cross-examine the witnesses and was not allowed to lead his evidence. According to them, the inquiry was fair and proper. The second party workman willfully remained absent. He is not interested in work. He was not punctual and careful in his duty. Therefore his services were rightly terminated by the disciplinary authority. Therefore they pray that the reference be dismissed with cost.

7. Following are the preliminary issues framed by my I.d. Predecessor for my determination. I record my findings thereon for the reasons to follow:

Issues	Findings
1. Whether Inquiry is fair and proper?	Yes
2. Whether findings are perverse?	No.
3. What order?	As per final order.

REASONS

Issues nos.1 & 2:-

8. In this case at the outset, I would like to point out that the workman herein has filed his affidavit at Ex-24 wherein he has not made any reference in respect of fairness of inquiry or any illegality therein. This two paragraphs affidavit Ex-24 is totally irrelevant to the subject matter. In this respect, I would like to point out that the Hon'ble High Court has given direction to provide legal aid to the workman. In spite of repeated insistence, the second party workman refused to accept legal aid of any advocate. He was adamant and repeatedly refused to accept any legal aid. Though in his statement of claim he has tried to raise certain points in respect of fairness and legality of the inquiry, he has not led any evidence to that effect. He has tried to raise the point that, he was not allowed to take part in the inquiry proceedings etc. It is also alleged that there was violation of principle of natural justice. In this respect, it is the case of the first party management that the workman was adamant. According to them, inspite of service of notice of inquiry, sometimes he remained absent. According to them, he cross-examined only one witness and did not cross-examine the other witnesses. The Inquiry Officer, Mr. P.K. Khare, S.O.F. Head (Industrial Safety and Fire) in his affidavit at Ex-25 says that the second party workman did not appear in the inquiry proceeding on 27-11-99. Therefore the hearing was adjourned to 22-12-99. According to him the workman appeared in person on 22-12-99 and acknowledged the receipt of chargesheet. He denied the charges leveled against him and raised frivolous pleas. He further says that the hearing of the inquiry was adjourned to 10-02-2000. He further says that on 7-1-2000 he wrote a letter to the second party and informed him the fresh date of hearing. On 10-2-2000 second party appeared in the hearing. He also signed the minutes. He further say that next hearing took place on 6-4-2000. Presenting officer of first party submitted documentary evidence. Second party did not produce any evidence and only raised frivolous pleas of pendency of court proceedings and decisions of courts.

9. This witness further says that on 9/5/2000 second party appeared before him and stated that he had come to join the duty and had not come for the inquiry proceeding and left his office. Therefore the inquiry was held exparte. He again informed the next date to the second party. However the second party remained absent and hearing was proceeded exparte. He says that full and fair opportunity was given to the second party to defend himself. Copies of documents and minutes were provided to the second party. According to him, inspite of sufficient opportunity given to the second party, he neglected the inquiry proceeding. Therefore it cannot be said that there is violation of principles of natural justice.

10. Neither version of this witness was challenged in his cross-examination at Ex-25 nor in the affidavit of workman at Ex-24. In short, the workman was chargesheeted and he was knowing the dates of hearing. He also appeared before the inquiry officer on few occasions and willfully remained absent on other occasions. He remained absent on some dates at his own and did not willfully cross examine witnesses. Therefore it cannot be said that there was violation of principles of nature justice.

11. In the statement of claim the workman has raised two points while challenging the inquiry proceeding. The first point is the inquiry officer Mr. P.K.Khare was junior to Mr. V.K.Poti who had chargesheeted the workman. Therefore, according to the workman the inquiry is unfair and illegal. In this respect, in his written argument the workman has resorted to Madras High Court ruling in Rajgopal Iyer V/s. State of Madras AIR 1955 Mad. 182. According to the workman, Madras High Court observed that the inquiry officer should not be under the control of the complaining officer or who has chargesheeted the workman. In the case at hand though inquiry officer Mr. P.K.Khare has admitted in his cross at Ex-25 that he is junior to Mr. Poti who has chargesheeted the workman it cannot be said that Mr. Khare is under the control of Mr. Poti or working under him. He may be junior to Mr. Poti. That does not mean he was under the control of Mr. Poti. In short this ruling does not extend any help to the workman.

12. The workman has raised another point in his statement of claim that the first party was not paying 75% of his pay by way of subsistence allowance and they were paying only 50% of his pay by way of subsistence allowance. Therefore, according to workman the inquiry was not proper. He has referred to the case of Fakirbhai Pholbhai Solanki AIR 1986 page 1168. According to him, in that case it was held that the inquiry cannot be said proper if subsistence allowance is not paid at the rate of 75 % of pay of the employees. In this respect, the Ld adv. for the first party pointed out that in respect of the first chargesheet of absenteeism from 18-12-1995 to 12-1-1996, the workman was suspended. However as inquiry could not be concluded within time, his suspension was revoked and the workman was directed to resume his duty. However the workman has not reported the duty, therefore another chargesheet for absenteeism was served upon him on 16-3-1999. It is the case of the management that after revocation of the earlier suspension order, the workman was directed to resume his duties. However he willfully remained absent. Therefore the first party was constrained to issue second chargesheet dated 16-3-1999. According to them, the workman was not under suspension. On the other hand he remained absent willfully therefore, question of paying subsistence allowance @ 75% of the pay of workman after 90 days of suspension does not arise. The

witness of management Mr.Khare has also deposed to that effect in his affidavit at Ex-25. His version is not challenged or denied in his cross-examination. Furthermore in this respect the workman has also not stated anything in his affidavit Ex-24. Therefore it cannot be said that the workman was entitled to get subsistence allowance and that the inquiry is bad for want of subsistence allowance.

13. From the evidence on record, i.e. the unchallenged affidavit of witness of first party, it is clear that fair and proper opportunity was given to the workman to defend himself, he willfully remained absent. There is no other illegality or defect in the inquiry. Therefore I hold that inquiry was fair and proper. The IO has recorded the statements of the witnesses. The fact is not disputed that the second party workman was absent from duty though he was asked to resume his duties. In the circumstances, findings of the inquiry officer cannot be called perverse. As a result I decide this point no.2 in the negative. Thus I proceed to pass the following order :

ORDER

The inquiry held against the workman is fair and proper. The findings of the inquiry officer are not perverse.

As adequacy of punishment is mainly the question of law, there is no scope for any oral evidence. Therefore parties are directed to argue or file their respective written arguments on 26-09-2011 on the point of adequacy of punishment.

Date: 08-07-2011

K. B. KATAKE, Presiding Officer

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2366.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 196/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/434/1996 आईआर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th August, 2011

S.O. 2366.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 196/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between employers in relation to the management of SECL and their workman, which was received by the Central Government on 8-8-2011.

[No. L-22012-434/1996-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/196/98

Presiding Officer : Shri Mohd. Shakir Hasan

The Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh (INTUC),
Br. Deepika Project,
PO Gevra Project,
Distt. Bilaspur (MP)

...Workman

Versus

The Sub Area Manager,
SECL, Deepika Project,
PO Gevra Project,
Distt. Bilaspur (MP)

...Management

AWARD

Passed on this 6th day of July, 2011

1. The Government of India, Ministry of Labour vide its Notification No.L-22012/434/96-IR(C-II) dated 19-8-98 has referred the following dispute for adjudication by this tribunal :—

“ Whether the action of the management of SECL, Deepika Project, PO Gevra Project, Distt. Bilaspur in promoting Shri Gyan Das S/o Lati Ram from Mech. Fitter Helper Cat-II in Pump Khalasi Cat-III vide order dated 26-3-94 and not promoting him as Mech. Fitter Cat-IV and onward promotion as Mech. Fitter Cat-V & VI etc. is justified? If not, to what relief Shri Gyan Das (workman) is entitled to?”

2. The workman did not appear inspite of proper notice by registered post. Lastly the then Tribunal proceeded the reference exparte against the workman on 14-2-2007.

3. The management appeared and filed Written Statement in the case. The case of the management in short is that the workman Shri Gyan Das was initially appointed as piece rated worker w.e.f. 14-2-1969 by the Central Coalfields Ltd. He was promoted to the post of Mechanical Fitter Helper Cat-II w.e.f. 18-5-1986. He accepted the promotion without any objection. Consequently he was transferred from C.C.L to SECL and was posted at Deepika Project of Gevra Area. He joined there on 24-6-89. It is stated that despite the fact that the services of the workman was not satisfactory, he was promoted to the post of Pump Operator Cat-III w.e.f. 26-3-94. He accepted the said promotion without any

objection. The claim of the workman for promotion in Mechanical cadre does not arise as he was working in different cadre as Pump Operator Cat-III on his own consent. It is submitted that the reference be answered in favour of the management.

4. The following issues are framed for adjudication—

I. Whether the action of the management in promoting from Mechanical Fitter Helper Cat-II to Pump Khalasi Cat-III and not promoting him as Mechanical Fitter Cat-IV and onward promotion as Mechanical Fitter Cat V & VI is justified?

II. To what relief the workman is entitled?

5. Issue No. I

To prove the case, the management has adduced oral and documentary evidence. The management has filed extract of cadre scheme of mechanical fitter and operational pump khalasi/Driver/Operator which are Exhibit M/1 and M/2. This shows that Cadre Schemes of Mechanical fitter and Pump Operator are different. Exhibit M/3 is the photocopy of service Register of the workman. This shows that he was appointed on 14-2-1969 in CCL and his date of retirement was 30-8-1999. The management has examined one witness in the case namely Shri Varghese Abraham. He was Personal Manager in Deepika Project of SECL. He has supported the case of the management. He has stated that the workman was promoted from Mechanical Fitter Helper Cat-II to Pump Khalasi Cat-II vide order dated 23-3-1994 instead of Mechanical Fitter Cat-III. He has further stated at Para-6 that he accepted the said promotion without any objection. This shows that his cadre scheme was changed from mechanical cadre to Pump Operator and he had not raised any objection. This shows that once he had accepted the change of cadre then he cannot claim promotion in the previous cadre. His evidence is un rebutted. There is no other evidence to show that he had not accepted the change of cadre on promotion as Pump Khalasi Cat-II. This issue is decided in favour of the management and against the workman.

6. Issue No. II

On the basis of the discussion made above, the workman is not entitled to any relief. The reference is, accordingly, answered.

7. In the result, the award is passed without any order to costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2367.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 42/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-42012/18/2000-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th August, 2011

S.O. 2367.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref- No. 42/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of CPWD, and their workmen, which was received by the Central Government on 8-8-2011.

[No. L-42012/18/2000-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/42/2001 Date : 18-07-2011

- Party No.1(a) : The Superintending Engineer,
Nagpur Central Circle, Central Public
Works Deptt. Seminary Hills, Nagpur-6
- (b) : The Executive Engineer, Central Division
No. I, Central Public Works Deptt.,
Katol Road, Nagpur-440013,
- (c) : The Executive Engineer, Central Division
No. II CPWD Sadar, Nagpur-440001.

Versus

- Party No.2 : The Secretary Central PWD Mazdoor
Union, Branch Office, Near Police Chowki
Seminary Hills, Nagpur-440006.

AWARD

(Dated: 18th July, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of CPWD and their workman, Shri Prakash Dansingh Bania, Motor lorry Driver for adjudication, as per letter No. L-42012/18/2000-IR (C-II) dated 25-6-2001, with the following schedule :-

"Whether the action of the management of CPWD (represented through the Superintending Engineer, Central Circle, Nagpur, Executive Engineer, Division No. I & II, CPWD, Nagpur) in terminating/stoppage of work of Shri Prakash Dansingh Bania, Motor Lorry Driver w.e.f. 24-10-1999 is legal or valid? If not, then for what relief the said workman is entitled to?"

2. On receipt of the reference, parties were notice to file their respective statement of claim and written statement, in response to which, the Central P.W.D., Mazdoor Union ("the Union" in short) filed the statement of claim on behalf of the workman, Sh. Prakash Dansingh Bania ("the workman" in short) and the management of C.P.W.D., Nagpur ("Party No. I" in short) filed the written statement.

The case of the workman as presented by the union, in the statement of claim is that the workman was working as a motor lorry driver since June, 1993 on work order/hand receipt basis with the Central Public Works Division No. I and II continuously till October, 99 and he was getting the minimum wages of the motor lorry driver grade III i.e. Rs. 4500 per month, in which, Pay, DA, HRA and CCA were included and he was being treated as a regular driver and there were five vehicles in Division no.-II of Central Public Works Department, Nagpur but there were only two regular drivers, so the remaining three Vehicles were being operated by the drivers either appointed on daily rated basis or on work order basis which amounted to unfair labour practice by the party No. 1 and such fact was stated by the party No. 1 in the statement, Annexure-IV and though the workman was working continuously against a regular and permanent post, he was being engaged in the work either on hand receipt or work order basis and the workman took the vehicle, Tata Sumo bearing No. MH-31 AG-9019 on 06-08-99 to Navegaon Dam for site inspection, with the Superintending Engineer and Executive Engineer and while returning from the Dam site, the Tata Sumo met with a minor accident, due to rash driving of a truck, coming from the opposite direction and due to the damage caused to the Tata Sumo, the Executive Engineer, Division II on 10-08-99 called for an explanation from the workman mentioning there in to show cause as to why the amount of damage to the vehicle should not be recovered from his salary and the workman submitted his reply stating that he was not responsible for the accident and consequent damage to the vehicle and the memo issued by the Executive Engineer, Division II shows that management was treating the workman as their employee and hence "recovery from salary" was mentioned in the memo and such type of memo can only be issued to an employee.

It is further pleaded by the union that in order to punish the workman, the party No. 1 issued order dated 16-8-99, and transferred the said Tata Sumo alongwith the workman to the office of the Asstt. Engineer, Amravati w.e.f. 18-8-99, but as the union protested against such action, only the vehicle was sent to the office of Asstt. Engineer, Amravati and the workman was transferred to Central Division No. III, but as there was no vacant post of driver,

the workman reported back to Central Division No. II and submitted his joining report on 25-10-99, but he was not allowed to join his duty in the said division and again he was transferred to Central Division No. I, by letter dated 28-10-99 and accordingly, the workman submitted his joining report at Division No. I, but he was not allowed to join his duties and thereafter, the workman was not allowed to join his duties though he approached the authorities from time to time and thus, the action of the management amounts to termination of the services of the workman and is illegal and unfair labour practice and though the union took up the case of the workman with the party No. 1, in the meeting held on 24-12-99 and party No. 1 assured that the matter would be looked into by the Chief Engineer, nothing was done by the party No. 1 to reinstate the workman in services and the post of driver is still vacant in the Divisions and CGIT No. 2, Mumbai in reference No. 2/11 of 1997 and C.A.T., Jabalpur bench in O.A. No. 786/96 had directed to regularize some employees similarly situated like the present workman and as such, the workman is entitled to be reinstated in service with continuity and all consequential benefits.

3. The Party No. 1 in its written statement has pleaded inter-alia that the workman was working as a motor lorry driver from April 93 to October 99 on contract basis, as per work order and he was not the employee of C.P.W.D and he was not appointed at any point of time and the workman was given the contract by work order since April, 1993 and the workman while accepting the contract had also agreed to the terms and conditions of the contract and one of the conditions stipulated there in was that the workman should not claim any right for service or regularization and there was also a condition that the said contract is temporary and can be terminated at any month without giving any notice in advance and the workman having agreed to all the conditions, continued to perform he contract which continued till October, 1999 and the said contract was issued in the form of work order and at present there are only four vehicles in the division and one of them was scraped and hence, there is no need of any driver an since the service of the workman was not required, the contract was terminated and there was no unfair labour practice.

It is also pleaded by the party No. 1 that as per the requirement at Amravati, the said vehicle was transferred along with the workman and as the workman refused to go to Amravati, the vehicle was only sent to Amravati and as there was no vacancy with Executive Engineer, Div. II, he was transferred to Div. III, so that if requirement is there, his services may be taken but there was also no requirement of driver, hence he was transferred to Div. I and at Division I also there was no vacancy and as it was found that the services of the workman were no more required, after expiry of work order dated 28-8-99, which was for two months, the work order was not renewed and the demand of the union for regularization of the workman is not justified, as because, as per Government Rules, the temporary status and regularization can be given only to the employee

working in group "D" post and post of driver fall in group "C" post and the case of the workman was examined by the Chief Engineer and as it was found that the action taken by the Superintending Engineer and Executive Engineer was justified, no interference was made by him and as such, the workman is not entitled to any relief.

4. The parties have led oral evidence, besides relying on documentary evidence. The workman has examined himself as a witness. Shri R. P. Singh, the Executive Engineer, CPWD has been examined as a witness on behalf of the party No. 1.

The workman in his examination-in-chief, which is on affidavit, has reiterated the facts mentioned in the statement of claim. In his cross-examination, he has stated that he was engaged in the regular post of driver and not on contract basis but he has not filed any paper showing in support of his claim of regular appointment and management was issuing work order and on the basis of work order, he was working and the contents of document No. I are correct.

5. The witness examined on behalf of the party No. 1 has also reiterated the facts mentioned in the written statement. In his cross-examination, he has stated that work order is one of the forms of engaging labour on contract basis and the department used to pay a lump sum amount as per work order.

6. It was submitted by the learned advocate for the workman that the workman was working as a motor lorry driver from 24-6-93 in a regular post and there were five vehicles and against five sanctioned post of drivers, the division had only two regular drivers and three drivers including the workman were engaged on work order basis and in order to deprive the workman of regularization, the management engaged him on work order and hand receipt basis but the payment made to him exposes their design and payment made to workman was according to the pay of a regular driver and Exhibits III E & F, show payment of Pay, D.A., HRA, CCA, and T. A, which are payable to a regular employee and not to a contractor and as such, it is clear that the workman was a regular employee and not a contract and it is common knowledge that a contractor is never transferred from one city to another and transfer of services is the incidence of Govt. employees and in view of the transfer of the workman as per transfer order dated 16-8-99, it is clearly established that the workman was an employee and the statement, Annexure IV clearly shows that the workman is an employee and not a contractor and in similar cases, CGIT, Mumbai II and CAT, Jabalpur bench have ordered for regularization of the employees and as such, the workman is entitled for reinstatement in service with consequential benefits.

7. On the other hand, it was submitted by the management that the workman in his evidence on affidavit has admitted that he was engaged by the party No. 1 as per work order issued from time to time and work orders filed by the workman show that his appointment was for a specific

period with the condition that he would not claim any government service and in his cross-examination also, the workman has admitted that his employment was on the basis of work orders and as such, it cannot be said that he was in regular employment and it is well settled by the Hon'ble Apex Court in number of decisions that engagement of any person on work order is not employment in Government Service and as such, the workman is not entitled for any relief and the submission made by the workman that as he was transferred to Amravati, he is deemed to be an employee is not a correct inference, as because, a contractual employee can be asked to perform the work at different places as per the requirement of work and the same cannot be equated with transfer and the workman was not appointed as per Rules of Recruitment into a civil post and as such, it cannot be inferred that the workman was appointed or engaged against a civil post and for mentioning about payment of Pay, DA, HRA, CCA & TA in the work order, it cannot be inferred that the workman was engaged in civil post and the submission made by the workman that he has been dismissed from service is incorrect, as because, after the contractual period was over, his engagement ipso facto came to an end and for that the workman is not entitled for any relief

8. Before delving into the merits of the matter, I think it apposite to mention the settled principles enunciated by the Hon'ble Apex Court (Constitutional Bench) reported in AIR 2006 Supreme Court/1860 (Secretary State of Karnataka other Vs. Uma Devi and others), which is on the point of regularization of daily wager, temporary/ contractual employees appointed in violation of constitutional scheme. The Hon'ble Apex Court have held that :

“Unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis; the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged, by the relevant rules.”

9. Keeping in view the settled principles as enunciated by the Hon'ble Apex Court, the present case at hand is to be considered.

Admittedly, the workman has not claimed either in the statement of claim, or in his evidence that his appointment was in terms of the relevant rules and after a proper competition among qualified persons. On the other hand, he has specifically pleaded in his statement of claim

that he started working as motor lorry driver from June 1993 on work order/hand receipt basis. In his evidence before this Tribunal, which is on affidavit also, the workman has stated that he was working as motor lorry driver since June 93 on work order/hand receipt basis in division nos. I & II of CPWD, Nagpur. The workman has also filed some documents in support of his claim. The documents filed by the workman show that on 24-6-93 he was given a work order to work for three months from the date of the issue of the work order on contract basis for a sum of Rs. 1870 per month, for maintenance of Government Vehicle and providing services for driving the vehicle within normal duty hours, and for driving the vehicle beyond the normal duty hours on payment of Rs.15 per hour. The said document also shows that some conditions were imposed by the party no.1 and one of the conditions was that the contractor shall not have any claim for government service. Subsequently also, fresh work orders were issued in favour of the workman and on the basis of such work orders, the workman worked with party no. 1 as a driver. In the subsequent work orders, the condition that the contractor shall not have any claim for the government service was there. It is found that in subsequent work orders, it was also mentioned that the services of the workman was purely temporary and can be terminated any month without any advance notice. It is also found that the last work order issued in favour of the workman was on 28-8-99, for working for two months i.e. from 28-8-99 to 27-10-99. The document Annexure -IV filed by the workman also shows that he was engaged by work order. The oral evidence adduced by the parties and the documents file by the workman himself clearly establish that the workman was never appointed or treated as a regular employee by the party no. I. Admittedly, in work order dated 26-9-98 and 1-3-99, there is mention about basic pay, DA, HRA, CCA & T.A., but from the same, it cannot be presumed that the workman was treated as a regular employee in view of the issuance successive work orders, where it has been clearly mentioned that the engagement was on contractual basis. In the later issued by the Executive Engineer dated 10-8-99, it has been mentioned that the workman should show cause as to why the damage should be recovered from his salary. It is also found from the documents that the workman was transferred to Amravati along with the vehicle. As the Executive Engineer mentioned in his letter that the damage should be recovered from the salary of the workman or that he was transferred to Amravati, it cannot be said that the workman was a regular employee. Hence, I find no force in the contentions raised by the learned advocate for the workman. In view of the judgment of the Hon'ble Apex Court as mentioned above, the judgments of the CGIT Mumbai-II and CAT Jabalpur Bench, about which the workman has mentioned in his statement of claim, are of no help to his case. It is clear that by work order dated 28-08-99, the workman was engaged for two months on contract basis, and after the contract was over, the same was neither renewed nor any fresh work order was issued in his favour and as such, it cannot be said that there was termination of

services of the workman by way of retrenchment. Hence it is ordered:

ORDER

The action of the management of CPWD (represented through the Superintending Engineer, Central Circle, Nagpur, Executive Engineer, Division No. I & II, CPWD, Nagpur) in terminating/stoppage of work of Shri Prakash Dansingh Bania, Motor Lorry Driver w.e.f. 24-10-1999 is legal and valid. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2368.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 49/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-08-2011 को प्राप्त हुआ था।

[सं. एल-22012/216/95-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th August, 2011

S.O.2368.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref- No. 49/1996) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of SECL, and their workmen, which was received by the Central Government on 08-08-2011.

[No. L-22012/216/95-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/49/96

PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN

The President,

Rashtriya Koyla Mazdoor Sangh,

Chirimiri Area, Godaripara,

Post Kurasia Colliery,

Distt. Surguja (MP)

.... Workman

Versus

Sub Area Manager,

Kurasia Group of Mines,

Post Kurasia Colliery, Distt. Surguja (MP) .. Management

AWARD

Passed on this 19th day of July, 2011

1. The Government of India, Ministry of Labour vide its Notification No.L-22012(216)/95-IR(C-II) dated 14-2-96 has referred the following dispute for adjudication by this tribunal:-

“Whether the action of the Sub Area Manager, Kurasia Group of Mines of SECL. in taking work of raising munshi from Sh. Babloo Dey, Cat.I mazdoor and not regularizing him in the post of Raising Munshi (clerk Gr.III) is legal and justified? If not, what relief the workman is entitled to?”

2. The Union/workman did not appear to raise the dispute. Lastly the reference is proceeded exparte against the workman on 17-11-09.

3. The management appeared and filed Written Statement. The case of the management in short is that the workman was initially appointed as General Mazdoor. He was regularized on the post of General Mazdoor Cat-I on 5-9-87. Thereafter he was promoted time to time and promoted upto the rank of Cat-III vide order dated 7-9-02. He was never worked or employed as Raising Munshi clerk, Grade III at any time. It is stated that he was not entitled to be regularized on the post of raising Munshi as the same was of different cadre scheme. It is submitted that the reference be answered in favour of the management.

4. The following issues are framed for adjudication-

- I. Whether the action of the management in taking work of raising munshi from the workman is legal and justified?
- II. Whether the action of the management in not regularizing him on the said post is justified?
- III. To what relief the workman is entitled?

5. Issue No. I

The burden was on the workman to prove that he was working as raising munshi but the Union/workman had not appeared to prove the same. However the management's contention is that he never worked or employed as Raising Munshi by the management. The management witness Shri Ashok Kr. Biswas is working as Dy. Manager (Personnel) at Kurasia Colliery. He has come to support the case of the management. He has stated that the workman was appointed as General Mazdoor in SECL, Chirimiri Area. The service conditions of the employees are governed by National Coal Wage Agreement (in short NCWA) There are different cadre scheme. He has stated that he was promoted time to time. His service record (Exhibit M/2) shows that he was promoted to Category III. He has stated that he was never authorized to work in clerical cadre by the Competent Authority. There is no other evidence in rebuttal of the evidence of the management. There is no reason to disbelieve the evidence of this witness.

6. The management has filed copy of Form B (Exhibit M/1) Service Register (Exhibit M 2) and order of regularization as General Mazdoor Cat-I (Exhibit M/3). These

all documents clearly show that he was appointed as General mazdoor and had never worked as Raising Munshi in the clerical cadre. There is no document in rebuttal of these documents to show that the workman had ever worked as Raising Munshi. Thus it is obvious that the management had never taken the work of Raising Munshi from the workman. This issue is decided in favour of the management and against the workman.

7. Issue No. II

Considering the discussion made above, it is clear that the workman had never worked as Raising Munshi and therefore the question to regularize on the said post doesnot arise. This issue is accordingly answered.

8. Issue No. III

It is evident that the evidence shows that he was General mazdoor and was promoted to Category III and had not worked as Raising Munshi. Therefore he is not entitled to any relief. The reference is, accordingly answered.

9. In the result, the award is passed without any order to costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2369.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 86/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/44/1992-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th August, 2011

S. O. 2369.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 86/1992) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of NCL, and their workmen, which was received by the Central Government on 8-8-2011.

[No. L-22012/44/92-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/86/92

PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN

Shri Raghuvir Upadhyay,

Gram : Navanagar,

Post Kachani,

Distt. Sidhi (MP)

... Workman

Versus

General Manager (P),

NCL, Post Singrauli Colliery,

Distt. Sidhi (MP)

... Management

AWARD

Passed on this 20th day of July, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/44/92-IR(C-II) dated 30-4-92 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the General Manager (Personnel), Northern Coalfields Ltd., Singrauli PO Singrauli Colliery, Distt. Sidhi in dismissing Shri Raghuvir Upadhyay, Asstt. Security Sub-Inspector from Company's services w.e.f. 5-10-90 is legal and justified? If not, to what relief the workman is entitled to?”

2. The case of the workman, in short, is that he was appointed as Security Guard on 3-6-74 with the management and was promoted to the post of Asstt. Security Sub Inspector. It is stated that he suddenly became ill on 5-10-90 and was unconscious when he was removed to his house by his co-workers. He was being treated by the State Hospital and had informed the management time to time. He was show caused on 18-7-90 and came to know on 22-7-90 from publication in the newspaper. He gave reply of the show cause with a request to quash the proceeding. It is stated that when he was declared fit by the Doctor to join duty on 22-10-90, he came on 24-10-90 to join his duty but he was served with removal order dated 5-10-90 from services of the management. The workman gave several representation to the management for re-consideration but the same was rejected on 14-12-90. It is stated that the workman was denied opportunity to defend himself and was terminated from services on 5-10-90 illegally. It is submitted that removal order dated 5-10-90 be set aside and the workman be reinstated.

3. The management appeared and filed Written Statement. The case of the management, inter alia, is that admittedly the workman was working as Asstt. Security Sub Inspector in the Central Stores, Singrauli. He was transferred from Jhingurda to SECL, Bilaspur on 12-4-90. He received the order on 25-4-90. On the same day, he was relieved by the General Manager (P). Thereafter the Stores Officer, Central Stores, Jhingurda directed the delinquent workman to hand over the charge to Shri K. Bhagat but instead of handing over charge he left the place of work

after asking for 2 days casual leave. He never returned on duty nor reported on duty at Bilaspur. On 3-5-90 he sent a letter that he would join on recovery from illness but without any leave application. Again he sent another application alongwith medical certificate on 25-6-90. He never applied for any leave. It was intimated to the management that on 11-7-90 he appeared before the Judicial Magistrate, Waidhan and gave statement in some criminal case. It was apparent that he was not interested to perform duty. He was, thereafter, directed to appear before Chief Medical Officer of the company on 27-7-90 for checkup. A charge sheet was issued to him on 18-7-90. Shri S. M. Singh, General Manager (Welfare) was appointed as Enquiry Officer. In spite of proper notice, he did not appear in the enquiry and the enquiry was conducted ex parte. The Enquiry Officer submitted his enquiry report dated 24-8-90 holding him guilty of the charges. The Disciplinary Authority agreed with the findings of the enquiry officer passed the order of dismissal from service on 5-10-90. It is submitted that the action of the management is justified and the reference be accordingly answered in favour of the management.

4. On the basis of the pleadings of the parties, the following issues are for decision-

- I. Whether the departmental enquiry conducted by the management against the workman is just and proper?
- II. whether the action of the management in dismissing the workman w.e.f. 5-10-90 by the management is justified?
- III. To what relief, the workman is entitled?

5. The workman died during the course of proceeding. His legal heirs were substituted vide order dated 2-11-2001. Subsequently the legal heirs absented and the reference is proceeded ex parte against the legal heirs on 27-8-2010.

6. Issue No. I

This issue is taken up as preliminary issue. The then Tribunal after considering the entire materials on record came to the finding that the departmental enquiry did not suffer from any legal infirmity and passed the order on 2-11-2001 that the departmental enquiry conducted against the workman is just and proper. It is further observed that the management is not required to lead any evidence to prove the alleged misconduct of the workman. Thus this issue is already decided on 2-11-2001 as a preliminary issue.

7. Issue No. II

On the basis of discussion made above, it is clear that there is finding that the misconduct against the workman appears to have been proved and therefore there was no need to prove further the alleged misconduct. It appears that the workman had disobeyed the order of the management of handing over charge on transfer from the place and became absent without any sound reason specially because he was appearing in the criminal court during the same period. The misconduct appears to be

serious in nature and there is no reason to interfere in the punishment order awarded by the Disciplinary Authority. I find that punishment awarded to him is justified. This issue is also decided in favour of the management.

8. Issue No. III

Considering the above aspect of the case, I find that the workman is not entitled to any relief. Accordingly the reference is answered.

9. In the result, the award is passed without any order to costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2370.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 150/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/180/1991-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th August, 2011

S.O. 2370.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 150/1991) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of SECL, and their workmen, which was received by the Central Government on 8-8-2011.

[No. L-22012 180/1991-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/150/91

PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN

Shri John Freeman,
Ex. Security Guard,
Jarababhata,
Tehsil & Distt. Surguja (MP)

Versus

The General Manager,
Chirimiri Area of SECL,
Post West Chirimiri Colliery,
Distt. Surguja (MP)

... Management

AWARD

Passed on this 25th day of July, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/180/91-IR(Coal-II) dated 21-8-91 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Dy. General Manager (AHQ) Chirimiri Area of SECL in dismissing from services of their workman Shri John Freeman, Security Guard, GM Office, Chirimiri is legal and justified? If not, to what relief the workman is entitled to?”

2. The case of the workman, in short is that the workman was posted in GM office, Chirimiri Area of SECL. He was show caused on 15-9-89 for his misbehaviour committed on 19-8-89 while he was on duty. He was also found in drunken stage. He filed his reply but the same was not found satisfactory by the management and departmental proceeding was initiated. Shri J.P. Goyal, Deputy CME was appointed as Enquiry Officer. After enquiry, the Enquiry Officer found him guilty of the charges and submitted his enquiry report. It is stated that the workman had not been supplied documents and the competent witnesses were not examined in the proceeding. It is stated that there was violation of mandatory provision of law. It is stated that the punishment of dismissal from service is severe and disproportionate to the alleged misconduct. It is submitted that the reference be answered in favour of the workman and the workman be reinstated with full back wages.

3. The management appeared and contested the reference by filing Written Statement. The case of the management, inter alia, is that the workman was admittedly working as Security Guard in the Office of General Manager, Chirimiri Area. It is stated that on 19-8-89 at about 2 AM, he was found sleeping in drunken stage by the Personnel Manager, Chirimiri Area. On asking from him, he misbehaved with him and also with Shri Sharma, Sr. P. O. and Driver of the Dy. CME. He also caught hold the driver and tried to assault him. He was charge sheeted on 1-9-89. His reply was not satisfactory and Disciplinary Authority initiated a departmental proceeding. Admittedly Shri G.P. Goel was appointed as Enquiry Officer who conducted enquiry after giving full opportunity to defend himself. The Enquiry Officer found him guilty of the charges and submitted his enquiry report. The proper authority after taking approval from the competent authority passed the order dated 2-7-90 of dismissal from service. It is stated that the workman had committed serious acts of misconduct and therefore the punishment was proper and just and he was not fit to be retained in service. It is submitted that the

action of the management is justified and the reference be answered accordingly.

4. On the basis of the pleadings of both the parties, the following issues are for adjudication

- I. Whether the departmental enquiry conducted by the management against the workman is proper and legal?
- II. Whether the action of the management in dismissing the workman from services is legal and justified?
- III. To what relief the workman is entitled?

5. Issue No. I

This issue is taken up as a preliminary issue. The then Tribunal after minute examination of the departmental enquiry papers found and hold that the departmental enquiry conducted against the workman is legal and proper on 23-7-2003. Thus this issue is already decided as preliminary issue.

6. Issue No. II

It appears that either the parties have not examined any fresh evidence in the case and have relied the evidence adduced before the Enquiry Officer. The enquiry paper clearly shows that admittedly the workman was security guard and he was on duty on 19-8-89. He was found sleeping in a drunken stage. This charge appears to have been found proved by the Enquiry Officer. It also appears that the Enquiry Officer had also found that the workman had misbehaved with the authority on questioning him. The enquiry papers show that the witnesses had supported the case and the finding of the Enquiry Officer appears to be not perverse. I do not find any reason to interfere in the finding of the Enquiry Officer. It also appears that the misconduct proved against the workman has justified the punishment awarded by the Disciplinary Authority. I do not find any reason. to interfere in the punishment order. This issue is accordingly answered in favour of the management and against the workman.

7. Issue No. III

Considering the discussion made above, I find that the workman is not entitled to any relief. The reference is accordingly answered.

8. In the result, the award is passed without any order to costs.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2371.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

गोदावरीखानी के पंचकट (संदर्भ संख्या 166/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th August, 2011

S.O. 2371.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (LCID No. 166/1996) of the Industrial Tribunal-cum-Labour Court, Godavarikhani as shown in the Annexure in the industrial dispute between the employers in relation to the management of Singareni Collieries, and their workmen, which was received by the Central Government on 8-8-2011.

[No. L-22013/1/2011-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

Present: Sri M. Syamala Rao, BA., B.L., Chairman-cum-Presiding Officer.

Monday, the 18th Day of July, 2011

Industrial Dispute No. 166 of 1996

Between :

Kurma Mallaiah S/o. Kurma Narayana,
Aged about 34 years, Occ: Badli Filler,
R/o. Addaguntapalli, Godavarikhani,
Karimnagar District

...Petitioner

AND

1. The Colliery Manager,
II A Incline, Godavarikhani.
2. The General Manager,
Singareni Collieries, Ramagundam Area-I.

3. The Managing Director,
Singareni Collieries, Kothagudem,
Khammam District

... Respondents

This Industrial Dispute petition U/Sec. 2-A (2) of I.D. Act, coming on before me for final hearing on 21-06-2011, upon perusing all the documents on record and upon hearing the arguments of Sri T. Ravinder Singh, Advocate, for the petitioner and Sri D. Krishnamurthy, Advocate, for the respondents, having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is an Industrial Dispute petition filed by the petitioner U/Sec. 2-A (2) of I.D. Act, 1947 to direct the respondent to reinstate him into service with continuity and all other attendant benefits including back wages.

2. The brief averments of the petition are that the father of the petitioner one Kurma Narayana is an employee

of Singareni Collieries and got appointees on 31-10-1972 and retired from service in 1994 on voluntarily grounds and as such he has become unfit for further service and his service was terminated through Proc., No. P RGI/B/2245, dt. 29-5-1994. The respondent provided an employment to his son i.e. petitioner herein on compassionate grounds. The name of the petitioner is Kurma Mallaiah S/o. Narayana and in other words the petitioner is called as Thippaveni Mallaiah, the services of father of the petitioner was terminated by the 2nd respondent.

3. The petitioner herein was given employment in the month of June, 1994. The petitioner discharged his duties to the fullest satisfaction of his superiors till upto the removal from service by the 2nd respondent i.e., General Manager, Ramagundam Area-I dt. 16-2-1996.

4. The petitioner belongs to Kurma (Golla) caste, surname recorded in service record of his father as Kurma i.e., caste name. Infact family surname of the petitioner is Thippaveni. In Kurma (Golla) family persons will called with two names, likewise the name of the father of the petitioner is though Narayana and he is also called as Sailu in the house.

5. And that the Superintendent of Police, Karimnagar has informed to the G. M. that on verification of the petitioner's character some adverse remarks were came to lime light. But this is not correct. The contention of the respondent is that the petitioner got entered into company's services fraudulently by impersonation is an offence of cheating is false and denied. The petitioner never cheated to company. The petitioner's son of Kurma Narayana. The police of I-Town, Godavarikhani, filed false case against the petitioner U/Sec. 148, 324, r/w Sec. 149 IPC in crime No. 185/1992 on the file of JFCM, Sulthanabad and the court acquitted the accused. The petitioner is the right man of right father, but in home he is called Thippaveni Mallaiah, the petitioner belongs to Kurma (family) caste, therefore the surname called as Kurma.

6. And that the respondent/management after utilizing the services of the petitioner for 18 months, removed him from service is bad, arbitrary and against to the principles of natural justice. The respondent did not conduct any enquiry and did not give any charger sheet and did not give any charge memo to the petitioner and violated the provision of Sec. 25 F of ID Act. The petitioner is very poor man having 3 children and he got employment in place of his father who retired on ill-health grounds. Therefore removing the services of the petitioner under the above said proceedings of R-2 is bad and liable to be set aside. The petitioner cannot get any alternate employment at anywhere, as such he has become age bar and his family, children fallen on road after removal from service, are suffering for food and clothes. The respondent's company is Central Government. The employee under the control of the said government. The petitioner's case can be entertained in the IT-cum-Labour-Court in W.P. No. 8395-89 on the file of the High Court of judicature at Hyderabad. Therefore prays an award as above.

7. Respondent No. 1 and 2 filed their counter denying the allegations in the petition and R-3 filed a memo adopted their counter. R-1 also filed additional counter.

8. The brief averments of their counter are that the petitioner entered into service of the respondent company as a dependent of Kurma Narayana who retired voluntarily from the services on the health ground. The petitioner has falsely described himself as Kurma Mallaiah, but subsequently it has come to the notice of the dependent company that the name of the petitioner is Thippanaboina Mallaiah, S/o. Sailu. The petitioner has wrongly claimed himself son of Kurma Mallaiah who was working in the defendant company in order to get a job in the dependent company as a "dependent". It is false to allege that the petitioner is son of Kurma Narayana. The petitioner was appointed to work as Badli, at 2-A Incline, Godavarikhani vide order No.P.RG-1/5/4845, dt. 30-11-1994. In the said office order it is specifically mentioned that the appointment is subject to verification of antecedents of the petitioner and it is also mentioned that the services of the petitioner will be terminated in case adverse remarks are received from police authorities. In fact the petitioner was given employment in the month November, 1994. And that Superintendent of Police, Karimnagar vide letter No. 684/22/SB/VR/95, dt. 5-1-1996 informed the respondent No. 2 that the petitioner was a militant of SIKASA, a central organization of CPI ML PW Group. Further the Superintendent of Police, Karimnagar has informed that the original name of the petitioner is Thippanaboina Mallaiah, S/o. Sailu and he was involved as an accused in Crime No. 236/1991 U/Sec. 148, 324 r/w Sec. 149 IPC of GDK-I town police station. The Superintendent of Police, Karimnagar has clearly stated that the appointment of the petitioner in the respondent company is undeniable after verification of the antecedents of the petitioner. After receiving the verification report from Superintendent of Police, Karimnagar the respondent company authorities have terminated the services of the petitioner vide letter No. P. RG-1/8/845, dt. 23-2-1996 and that the petitioner is not a regular employee of the respondent company and his services are not regularized as for the standing orders of the company as such the issuing of charge memo in conducting enquiry U/Sec. 25 (F) of ID Act, does not arise. The petitioner is not entitled for reinstatement. The respondent company is not responsible for any alternative employment to the petitioner and that this court has no jurisdiction to decide the present dispute as the respondent's company deals in coal mining which is a Central Government subject and not the subject of the State Government. Therefore the Industrial Tribunal having central jurisdiction only competent to decide the above dispute. The industrial tribunal Godavarikhani is vested with only State jurisdiction. Therefore this tribunal is not competent to decide the above dispute. Hence, the above petition is liable to be dismissed with costs. Therefore prayed to dismiss the petition with costs.

9. The brief averments of the additional counter of R-1 are that as per company records, the name of the

petitioner's father is Narayana and his surname is Kurma and that the father of the petitioner never stated during his service that his surname is Thippanaveni and he is also called a Sailu at his home. And that after the dismissal of the petitioner based on the antecedents report of Superintendent of Police, Karimnagar, the petitioner for the 1st time is stating that his family surname is Thippanaveni and his father is also called as Sailu at his house. The petitioner is coming up with the above plea only to cover up his act of impersonation after verification of antecedents report submitted by the Superintendent of Police, Karimnagar. In view of antecedents report dt. 5-1-1996 of Superintendent of Police, Karimnagar, the petitioner was dis-empanelled from the services of respondent company with immediate effect vide letter dt. 16/23-2-1996, as such he is not entitled for reinstatement.

10. Previously this I.D., was disposed off by this Tribunal on 19-7-2000 by passing an award by allowing the I.D., petition with a direction that the petitioner shall be reinstated into service with back wages and continuity of service giving liberty to the Respondent company to conduct enquiry against the petitioner with regard to allegation of impersonation after giving an opportunity to the petitioner to prove that there was no impersonation and if impersonation is proved, the respondent company shall take action against the petitioner.

11. Challenging the said award, the respondent's company filed writ petition No. 25427/2002 to stay the operation of the award passed by this Tribunal, it was dismissed. On that writ appeal was preferred by the respondent company in W.A.No.326/2001. In the said writ appeal the Hon'ble High Court of A.P., set aside the award passed by this Tribunal and remitted the matter to this tribunal for fresh disposal after giving opportunity to the workman as well as the management to lead evidence.

12. After remitting back the matter to this Tribunal and after appearance of the parties WW-1 to WW-5 are examined and Ex.W-1 to Ex.W-11 are marked on behalf of the petitioner. MW-1 is examined and Ex. M-1 to Ex. M-4 are marked on behalf of the respondent's.

13. Heard both sides, perused the material papers on record.

14. Since no departmental enquiry was conducted against the petitioner before removal of his services, no preliminary issues arises for consideration.

15. Now the points that arises for consideration are:—

1. Whether removal of the petitioner from service is bad, arbitrary and against the principles of natural justice?
2. Whether this Tribunal has no jurisdiction to decide the present I.D.?
3. To what relief?

16. POINT NO. 1 :

It is the case of the petitioner the respondent management after utilizing the services of the petitioner for

18 months, removed him from service is bad, arbitrary and against to the principles of natural justice and the respondent did not conduct any enquiry and did not give any charge sheet or charge memo to the petitioner and violated the provisions of Sec. 25 of ID Act.

17. No doubt, no enquiry was conducted before the petitioner dis-empanelled from the services of the respondent company on 16/23-2-1996. While it is so the case of the respondent is that the petitioner is not a regular employee and his services are not regularised as per the standings orders of the company. As such issue of charge sheet and conducting enquiry does not arise and it will not come within the purview of Sec. 2(oo) and 25(F) of ID Act.

18. The petitioner's services were terminated subject the conditions laid down in his appointment orders i.e., after verification of his antecedents and if the antecedents are found to be unsatisfactory, his services are liable for termination and that the police report shows that the petitioner impersonated himself Kurma Mallaiah, as such the petitioner was dis-empanelled from the service.

19. WW-1 is the petitioner himself, his evidence is that they belongs to "Kurma" (Golla) family and the caste name was recorded in service record of his father Narayana as his surname. The surname of his father is Thippanaveni and his father Narayana also called as Sailu in the house and in the village. In Kurma caste, most of the persons will be called with dual names and that his elder son Narayana, his father blessed with 6 children, he being elder, he was appointed in the company on the compassionate grounds, when his father retired from service voluntarily when he became unfit for service.

20. His further evidence is that the police either enquired him or his family members, only basing on the charge sheet in Crime No. 236/1991 later numbered as CC 185/1992 on the file of JMFC, Sulthanabad U/Sec. 148, 324 r/w 149 IPC and the said case was ended in acquittal. The complaint in the said case, with bore against the elders who pacified the matrimonial matter levelled case claiming that SIKASA extremists bet him demanding to lead matrimonial life with his wife and that it was no extremist case and that the petitioner is not extremist, except said case no cases pending against him. The report of the police based on the charge sheet levelled against the petitioner in the said case. And the police not enquired by person verification with the petitioner, his family members or with his neighbours. He marked Ex. W-1 to Ex. W-11. In cross examination he stated that he has not mentioned in the petition that his surname of his father was recorded as Kurma in the records of Singareni Collieries Co. Ltd. but his actual surname is Thippananeveni and that he got it mentioned in his petition that because he is elder son, his appointment was compassionate appointment. He further stated he has applied to the respondent for compassionate appointment due to retirement of his father. He has not filed into court the copy of said application. He has not got it mentioned in the above application his surname as Kurma @ Thippanaboina. He has not filed into this Tribunal

any of the documents pertaining to his father such as service register, identity card, family medical book etc., to show that his surname is Kurma @ Thippanaboina and that his father's name is Narayana @ Sailu. He has not filed into this Tribunal the voters list, voters card and ration card showing that his surname is Kurma @ Thippanaboina and that his father's name is Narayana @ Sailu.

21. But in his further chief examination he marked Ex.W-1 to Ex. W-11. In further cross examination, he stated it is true that Ex.W-2 & W-3 are subsequent to the period after the ID is remitted back to this Tribunal. He has not filed any documents to disprove that the antecedents reports by the police is false. He also further stated that he do not know howmany other accused are there along with him in C.C., 185/1992 on the file of JMFC, Sulthanabad covered by Ex. W-1 and stated his name is shown as A-2 in the above judgment. He also further stated that it is true that his age is shown as 42 years in Ex.W-2. Ex.W-3 is standing in the name his wife and it is true that his name and age are shown differently in all Exs.W-1 to W-11. WW-2 is the father of the petitioner. WW-3 is an independent witness worked along with the petitioner. WW-4 is an illiterate witness who do not know the contents of the chief affidavit. WW-5 is a witness belongs to the same caste of the petitioner.

22. The evidence of WW-2, WW-3 and WW-5 is fully in corroboration with and in support of the evidence of WW-1 which shows that the petitioner belongs to Kurma community, but his actual surname is Thippanaveni. Their evidence also shows that none of them were examined by the police about the name and surname of the Petitioner and his father. The evidence of WW-4 in his cross examination is that the contents of his chief sworn affidavit are not read over to him and explained in Telugu before obtaining thumb impression on it and that he do not know the contents of the chief sworn affidavit, because he is an illiterate. So in the light of the above, no value can be attached to his evidence.

23. Ex.W-1 is the C.C., of judgment in C.C.No.185/1992 on the file of JMFC, Sulthanabad. The petitioner is shown as Thippanaboina Mallaiah, S/o. Sailu as an A-2 in that case, but not as Kurma Mallaiah, S/o. Narayana in the said judgment. Ex.W-2 is the information of Sub Divisional Police Officer, Godavarikhani to Thippanaboina Mallaiah furnished under Right to Information Act informing that as per the records of I-town, Godavarikhani, the applicant Thippanaboina Mallaiah was involved in crime No. 236/1991 U/Sec. 148, 324 r/w 149 IPC of P.S., Godavarikhani I-town. In this case the applicant was arrested on 30-5-1992 and remanded to judicial custody. After trial the case was acquitted against the applicant on 9-10-1995 vide CC. No. 185/1992. He was further not involved in any other cases as per the records of P.S., GDK I-town. So this document along with the evidence of WW-1, shows CC. No. 185/1992 was ended with acquittal in which Thippanaboina Mallaiah, S/o. Sailu as A-2 and further shows that he was not involved in any other cases.

24. No doubt Ex. W-3 & W-4 are subsequent to the date of remand of the matter to this Tribunal. Ex. W-3 standing in the name of Kurma Komaramma, W/o. Mallaiah. Ex. W-4 is standing in the name of Mallaiah Thippanaboina, S/o. Sailu. Ex. W-5 is a piece of document. According to the evidence of WW-1 it is a sheet in the house hold card supplied to him. (For marking documents an objection is raised by other side and it is marked subject to said objection). Whatever it may be since it is a part of document and not a full pledged document, no evidentiary value can be attached to it. Ex. W-6 is family medical attendant book issued by the respondent to Kurma Mallaiah. In this his wife's name is noted as Komaramma and father's name is noted as Narayana. It is evidence of WW-1 Komaramma is his wife, Narayana is his father. Ex. W-7 is the voluntary retirement proceedings of the respondent of Kurma Narayana along with 6 others. Ex. W-8 is a dependent certificate showing that Mallaiah is son of Kurma Narayana his dependent. Ex. W-9 is the appointment order of the petitioner as Badli Filler in place of Narayana in the respondent company. It shows his employment in the company is subject to verification of antecedents and if adverse reports are received from the police authorities, on verification of antecedents, their appointment in the company is liable to be cancelled. Ex. W-10 is the letter issued to the petitioner by the respondent dt. 16/23-02-1996 which shows that the petitioner was dis-empanelled from the services of the company with immediate effect. Ex. W-11 is the medical unfit letter dt. 18-5-1994 in respect of Kurma Narayana declaring he is unfit for further services in the respondent company, issued by the Medical Superintendent, Area Hospital, Godavarikhani.

25. From the above evidence it can be rightly concluded that the petitioner is Thippanaboina Mallaiah and because he belongs to Kurma community is also known as Kurma Mallaiah and that his father's name is Thippanaboina Narayana and also called as Kurma Sailu.

26. Ex. M-2 verification of character and antecedents of Kurma Mallaiah reported by Superintendent of Police, Karimnagar to the General Manager, Ramagundam Area, Ramagundam.

27. The respondent did not file any documents to show that the respondent called character verification and antecedent reports in respect of the petitioner or Kurma Mallaiah to the Superintendent of Police, Karimnagar. This document do not show that the General Manager, Ramagundam Area-I is the General Manager of Singareni Collieries Company, Ramagundam Area-I because it is not mentioned in the document General Manager, Singareni Collieries.

28. Whatever it may be, from this it can be said police sent this report shows when the police verified and found Kurma Mallaiah was a militant of SIKASA of Central Organisation of CPI ML PW Group. His original name is Thippanaboina Mallaiah, S/o. Sailu, but he gave his name as Kurma Mallaiah falsely. He was involved as an accused in Crime No. 236/1991 of Godavarikhani I-town P.S., It

further shows that his appointment in S.C. Company Ltd., is undesirable since he may spread dis-affection among the workers against the company and also the Government. He may also invite strikes and other labour problems in the Company. It shows this report was based on that Thippanaboina Mallaiah was being A-2 in the C.C.No. 185/1992 on the file of JMFC, Sulthanabad and he was found that he was a militant of SIKASA and nothing else. It do not reveal from whom and from where the police verified the antecedents of Thippanaboina Mallaiah, to show that he was militant of SIKASA and how they came to conclusion the same Thippanaboina Mallaiah gave his name as Kurma Mallaiah falsely. The later part of the report shows it is only based on surmises and the police by apprehending that the Thippanaboina Mallaiah may spread dis-affection among the workers against the company and also the Government and may also invite strikes and other labour problems in the company. So, there is no basis for the police for sending this report against Thippanaboina Mallaiah. Simply because he is involved in a case U/Sec. 148, 324 r/w. 149 IPC, it cannot be said that Thippanaboina Mallaiah is a militant of SIKASA and that he gave his name falsely as Kurma Mallaiah. Moreover the above IPC case was ended in acquittal, likewise there is no basis for the police for coming to a conclusion that his appointment is undesirable in the S.C. Company Ltd., and to report that he may spread disaffection among the workers against the company and also to the Government and also invite strikes and other labour problems in the company.

29. So there is no documentary evidence to show that there is another person by name Kurma Mallaiah. In Ex. M-2 also it is not mentioned there is another person by name Kurma Mallaiah is in existence than the petitioner. No enquiry was conducted by the respondent to ascertain whether there was any other person by name Kurma Mallaiah other than the petitioner. No details are therein in Ex. M-2 about the petitioner involving in other criminal cases as a SIKASA member. These are the facts admitted by MW-1 in his cross examination. Further this MW-1 is admitted in cross examination, according to certificate furnished by the petitioner his caste is Golla (Shepherd). Golla people also called as Kurma. So, from this also it can be rightly said Thippanaboina Mallaiah is also known as and called as Kurma Mallaiah. The record placed by the petitioner coupled with the oral evidence produced on his side, established the same fact. Then the question of impersonation does not arise and there is no material proof to show that the petitioner himself impersonated as Kurma Mallaiah instead of Thippanaboina Mallaiah and got appointed in the respondent company in place of Kurma Narayana.

30. In the present case, no enquiry was conducted by the respondent with regard to the impersonation before removing/dis-empanelment from service and no notice was given to the petitioner about impersonation. Therefore, I hold removal of the petitioner from service is bad, arbitrary and even against to the principles of natural justice. The point is answered accordingly.

31. POINT NO. 2 :-

It is the case of the respondent this court has no jurisdiction to decide the present dispute as the respondent company deals in Coal Mining which is Central Government subject and not the subject of the State Government. Therefore, the Industrial Tribunal having Central jurisdiction only competent to decide the above dispute and the Industrial Tribunal at Godavarikhani is vested with only State Jurisdiction, therefore, this Tribunal is not competent to decide the above dispute. Hence, the petition is liable to be dismissed with costs.

32. In a case reported in 1998(5) ALD-16 (D.B) in a writ petition between U. Chinnappa Vrs. Cotton Corporation of India and others; the Division Bench of High Court held —“we will assume that in so far as the dismissed or retrenched workman is able to approach the Labour Court straight-away, the power of the Central Government to make a reference of the dispute may be whittled down protanto and in that sense a conflict or repugnancy with sub-section (2) of Section 2(A) and Section 10(1) r/w sub-section (1) of Section 2-A and Section 3 of the Act. Even then, the Presidential assent given under Article 254(2) makes the State law prevail over the provisions of the Central law to the extent of repugnancy.”. It also further observed Industrial Disputes Act, 1947, Section 2-A(2)—Not confined to workmen employed in Industrial undertakings of State Government—It applies also to workmen engaged in Central Government undertakings.

33. If the plea of the respondent is considered in the light of the above case law, it falls to the ground, because, Section 2-A(2) of ID Act, 1947 applies both to the workmen employed in Industrial undertakings of State Government and also to the workmen engaged in Central Government undertakings.

34. In other words, it can be said it is for the workman to approach U/Sec.2-A(2) of I.D., Act, either to the Industrial Tribunals having Central jurisdiction and also the Tribunals having State jurisdiction.

35. In view of the above, I hold that this Tribunal is having jurisdiction to decide the industrial dispute on hand. The point is answered accordingly.

36. POINT NO. 3:-

In view of my findings on Point No.1, I am under considered opinion that the order of dis-empanelment of the petitioner is not justified and as such it is set-aside and the respondent is directed to reinstate the petitioner into service with continuity of service, but without any other benefits within the 30 days from the date of Gazette publication of this award. But in the circumstances, each party do bear their own costs.

Typed to my dictation directly by Typist, corrected and pronounced by me in the open court on this, the 18th day of July, 2011.

SRI. M. SYAMALA RAO, Chairman-cum- Presiding Officer

Appendix of Evidence
Witnesses Examined

For workman:-

- WW-1 - Kurma Mallaiah - petitioner
WW-2 - Kurma Narayana @ Sailu
WW-3 - Dasari Narsaiah
WW-4 - Nune Rajesham
WW-5 - Bashaboina Odelu

For Management -

- MW-1 - A.Udaya Mohan, Welfare Officer.

EXHIBITS

For Workman :-

- Ex.W-1 Dt. 9-10-1995 C.C., of judgment in C.C. No. 185/1992 of JMFC, Sulthanabad
WW-1
Ex.W-2 Dt. 6-10-2010 Letter issued to the petitioner by the Sub-Divisional Police Officer, Godavarikhani
Ex.W-3 Dt. 5-04-2008 Rajiv Arogya Sree card No. WAP.208504100277
Ex.W-4 Dt. -- Election Commission of India Identity card issued to the petitioner
Ex.W-5 Dt. -- One sheet of house hold card of the petitioner
Ex.W-6 Dt. -- Medical attendant book issued to the petitioner by respondent bearing No. 011738
Ex.W-7 Dt. 29/30-5-1994 Voluntary retirement letter of father of the petitioner
Ex.W-8 Dt. 27-04-1993 Dependent Certificate
Ex.W-9 Dt. 28/30-11-1994 Office order (appointment order)
Ex.W-10 Dt. 16/23-2-1996 Letter issued to the petitioner by the respondent for adverse remarks with regard to antecedents dis-empanelment
Ex.W-11 Dt. 18-05-1994 Medical unfit letter of father of the petitioner

For Management:-

- Ex.M-1 Dt. 28/30-11-1994 Office order
WW-1
Ex.M-2 Dt. 5-01-1996 Report of Superintendent of Police, Karimnagar submitted to the General Manager, SCCL, RG-I, Godavarikhani regarding verification of character and antecedents of Sri Kurma Mallaiah, S/o. Narayana
Ex.M-3 Dt. 16/23-02-1996 Letter issued to the petitioner by the respondent for adverse remarks with regard to antecedents -dis-empanelment.
WW-1
Ex.M-4 Dt. 12-08-1994 Attestation form of the petitioner.

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2372.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कन्टेनर कार्पोरेशन ऑफ इण्डिया लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, दिल्ली के पंचाट (संदर्भ संख्या 11/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-41012/135/1998-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 8th August, 2011

S.O. 2372.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. LCA/ID No. 11/2008) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Delhi as shown in the Annexure in the Industrial Dispute between the management of Container Corporation of India Ltd., Kanishka and their workmen, received by the Central Government on 8-8-2011.

[No. L-41012/135/1998-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

**IN THE COURT OF SHRI SATNAM SINGH,
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
ROOM NO. 33, BLOCK-A, GF, KARKARDOOMA
COURT COMPLEX, KARKARDOOMA, DELHI**

LCA/ID No. 11/2008

**APPLICATION UNDER SECTION 33A OF THE
INDUSTRIAL DISPUTES ACT, 1947**

IN THE MATTER OF:

Shri Sanjeev Kumar,
Son of Shri Pritam Singh
7A, Pocket-L, Sheikh Sarai-II
New Delhi-110017.

Complainant/Applicant

VERSUS

The Managing Director
Container Corporation of
India (Concor) Ltd. Concor
Bhawan, C-3 Mathura Road,
New Delhi-110076

Respondent/Management

AWARD

Complainant/applicant Shri Sanjeev Kumar has filed an application under Section 33 A of the Industrial Disputes

Act, 1947 against the management Container Corporation of India (Concor) Ltd, on account of their failure /refusal to seek approval of the punishment from this tribunal under Section 33 of the Act for his removal from service vide impugned punishment order dated 26-3-2004 by way of disciplinary action against him during the pendency of the industrial dispute No.160/1999 titled as "The General Secretary, Corporation of India (CONCOR) Employees Union Versus Senior Manager, Container Corporation of India Ltd." wherein the applicant is a workman concerned. According to the applicant/complainant he was a regular employee of the respondent management till his dismissal by way of disciplinary action vide impugned order dated 26-3-2004. That ID No. 160/1999 was referred for adjudication to this tribunal by the appropriate Govt. vide reference order No.L-41012/135/98/IR (B-1) dated 17-5-1999 with the following terms of reference:

"Whether the action of the management of Container Corporation of India Ltd., Ashoka Road, New Delhi in not giving to its Employees any incentives for family planning for promoting small family norms of the Govt. is justified? If not to what relief and benefits the employees are entitled to?"

That in ID. No. 160/1999 a prayer has been made for grant of benefits of the incentives for adopting small family norms to all the employees of the respondent management. That on 26-3-2004 ID No.160/1999 was pending before this court. That on 14-3-2004 the matter was adjourned to 26-5-2004 for cross-examination of the workman. That ID No.160/1999 is an ID espoused by the employees of the respondent management through Container Corporation of India Employees Union (hereinafter referred to as "Union") and the applicant/workman is a member of the said Union since 1997. The applicant/workman is also one of the signatories to the letter of espousal of ID No.160/1999. Copies of the espousal letters have been enclosed. That even otherwise ID No. 160/1999 is in the nature of general demands made on behalf of all the employees of the respondent management and all the employees as well as the respondent management would be bound by the final award passed in the said ID. That if the said reference is answered against the respondent management, the applicant/workman would be the beneficiary of the same and if the same is answered against the Union the said award would be binding against the applicant/workman. That till date the respondent management has not granted any incentive for family planning for promoting small family norms to the applicant/workman which have been demanded by the workmen in ID No.160/1999. That ID No.160/1999 is pending till date.

2. It is further the case of the applicant/complainant that certain persons had managed to get a no dispute award passed from this tribunal by playing fraud upon it.

However, within 30 days of the passing of the said award dated 4-1-2006 appropriate application inter alia was filed by the Union and this tribunal issued notices to the concerned parties. That the applicant/workman was a protected workman for the year 2002-3 as declared by the Asstt. Labour Commissioner and claim for the year 2003-4 was duly filed before the said authority which is pending till date. That the respondent management was obliged to take appropriate permission from this tribunal before dismissing the applicant/workman or in any case was required at least to take an approval of such dismissal.

3. The applicant/complaint has further submitted that he joined the respondent management on 16-4-1996 as Senior Asstt. and was posted at Inland Container Depot, Tughlakabad, Okhla Phase-I, New Delhi-110020. On 13-1-1999 he was suspended and on 25-2-1999 a charge sheet was issued to him for conducting domestic enquiry. Without following the principles of natural justice, the enquiry officer submitted the enquiry report dated 30-5-2000 with conclusion that three charges out of four had been proved and subsequently the applicant/workman was removed from service vide order dated 12-7-2000. That the respondent management was under statutory obligation to make application simultaneously for approval of the action taken from this tribunal where industrial dispute No. 160/1999 was pending, as per Section 33(2)(b) of the Industrial Disputes Act, 1947 after passing the final order of dismissal but the respondent management did not do so. That on appeal of the applicant/workman the appellate authority vide order dated 13-9-2000 ordered to keep the punishment for removal from service in abeyance and further issued the direction for de-novo enquiry of the charges. That again at the instance of the respondent management the same enquiry officer submitted another enquiry report dated 23-3-2001 with the same conclusion without following the principles of natural justice. That on the representation of the applicant/workman the respondent management vide its order dated 24-7-2001 set aside the punishment for removal from service imposed vide order dated 12-7-2000 and further issued the direction to enquire the charges de-novo. That it is necessary to mention here that the respondent management has admitted in its order dated 24-7-2001 that the enquiry conducted by the enquiry officer was violative. That the above mentioned facts clearly indicate the mischievous conduct of the respondent management. That again third time at the instance of the respondent management the enquiry was conducted by another enquiry officer without granting reasonable opportunity to the workman to defend himself and without following the principles of natural justice submitted the enquiry report dated 20-11-2002 with the conclusion that two charges (2 and 3) are proved and two charges i.e. 1 and 4 are not proved. That the disciplinary authority vide its order dated 25-5-2003 observed that charge No. 1 was also proved and vide

order dated 22-7-2003 issued show cause notice to the workman proposing the punishment of removal from service. The applicant/workman replied the same vide representation dated 25-8-2003. That on 26-3-2004 i.e. after 8 months of the show cause notice the impugned punishment order was passed and the applicant/workman was removed from service with malafide and oblique motive. That the respondent management was/is under statutory obligation to make the application simultaneously for approval of the action taken before this tribunal where ID No.160/1999 is pending in which the applicant/workman is the workman concerned but the respondent management has again failed to do so.

4. It is further the case of the applicant/complainant that the respondent management by design moved an application bearing OP No.15/06 seeking approval under Section 33(2)(b) of the Act before the Industrial Tribunal, Delhi which related to 74 other workmen of the respondent management specifically mentioned in the list attached with the reference in which the name of the applicant/workman is not mentioned. That on 7-7-2004 Industrial Tribunal II, Delhi dismissed the approval application OP No.15/2006. That on 9-7-2004 the applicant/workman reported to join the duties. However, he received letter dated 12-7-2004 in which it was stated that in view of the findings of learned ID No. II the punitive action taken still continues to exist. The respondent management preferred a writ petition challenging the order dated 7-7-2004 of ID No. II, Delhi and the order dated 7-7-2004 was set aside by the Hon'ble High Court vide its order dated 2-12-2004 with certain observations. That in view of the above said admitted position, the learned ID No. II Delhi was again pleased to dismiss OP No.15/2004 vide order dated 2-3-2006 and it has attained finality as the same was not challenged by either of the parties. That subsequent to order dated 2-3-2006 the applicant/workman reported for duty but the respondent management illegally and arbitrarily refused to allow him to resume his duty. That the applicant/workman filed a writ petition (Civil) No.5316 in the Hon'ble High Court of Delhi but the said writ petition was dismissed vide Hon'ble High Court order/judgment dated 2-11-2006. That in view of the observations of the Hon'ble High Court the applicant/workman has filed the present application under Section 33A of the Industrial Disputes Act, 1947. That the enquiry conducted against the applicant/workman was in complete violation of principles of natural justice and the Enquiry Officer had conducted the enquiry in a biased manner.

5. It is emphatically alleged by the applicant/workman that he has also not been paid/tendered full one month's wages at the time of passing of the impugned dismissal order thereby contravening the mandatory provisions of Section 33 of the Act.- The applicant/workman, therefore, has prayed as under:

- “(a) Hold the respondent management guilty of violation of Section 33 of the Industrial Disputes Act, 1947 AND/OR
- (b) Quash the charge sheet dated 25-2-1999 will all consequential proceedings thereto, AND/OR
- (c) The impugned punishment order bearing no CON/HR/201/561-III/920 dated 26-3-2004 may kindly be declared null and void/set aside, AND/OR
- (d) An award may also be passed thereby directing the respondent management to treat the applicant/workman continuing in service and pay all arrears of wages/emoluments and all consequential relief(s) & benefit(s) since August, 1998 in the interest of justice.”

6. The respondent management has contested the application filed by claimant/applicant and in its reply/written statement it is submitted that the applicant was not a workman concerned in ID No. 160/1999 and therefore, the present application is liable to be dismissed. That since 20-7-02 he was working in ICD Dhandari Kalan, Distt. Ludhiana and was on the rolls of the said ICD while prior to that he was working in ICD Tughlakabad, New Delhi and it is mentioned that each ICD is a separate establishment. That ID No. 160/1999 was not pending before this tribunal when the present application has been filed as the award dated 4-1-2006 had been passed in this case. That it was admitted by the Container Corporation of India Employees Union in the proceedings in ID No. 160/1999 that no industrial dispute existed between the parties as Container Corporation of India Ltd. already had a policy on “incentive” for adopting small family norms and moreover the alleged espousal was not given by the Union for raising this frivolous and non existent dispute. The reference thus itself was without jurisdiction as the dispute was never an industrial dispute in law. That as the applicant was on the rolls of Dhandari Kalan, Distt. Ludhiana he was not a party to the alleged dispute in ID No. 160/1999 as the said dispute had not been raised by the workmen of ICD Dhandari Kalan, Distt. Ludhiana. The appropriate Govt. in respect of the industrial dispute regarding workmen of ICD Dhandari Kalan, Distt. Ludhiana would be the Punjab Govt. That the alleged letter of espousal shows that none of the workmen employed in any of the Company's establishment either ICD Tughlakabad were signatories to the same. That it is not a case of the applicant/complainant that he applied for the grant of benefits under the Company's policy and that he was not granted the same. That in order to avail the benefits under the policy the applicant was required to make an application satisfy the conditions of eligibility for grant of benefits under the policy. That there is no averment that the applicant satisfied the conditions of eligibility. The

respondent management has denied that they were required to move an application for approval in ID No. 160/1999 as according to them the applicant was not a workman concerned in ID No. 160/1999. That the enquiry officers have conducted the enquiries properly and disciplinary authority went through the entire records and passed appropriate orders. The respondent management therefore has prayed for the dismissal of the application moved by the applicant/claimant.

7. By filing a rejoinder the applicant/claimant has controverted the pleas and submissions made from the side of the respondent management and has reiterated his own submissions made in his application moved under Section 33A of the ID Act, 1947. The applicant/complainant has clarified that he is not on the rolls of ICD Dhandari Kalan Distt. Ludhiana. That he is on the rolls of the respondent herein i.e. M/s. Container Corporation of India, Kanishka Office Plaza, 4th floor, Ashoka Road, New Delhi vide offer of appointment letter dated 29-3-1996. That ICD Ludhiana is one of the integrated part of the respondent. That in the approval application OP No. 15/2004 as well as before the Hon'ble High Court of Delhi the respondent was stating that the applicant is employed as a Senior Assistant with the respondent corporation and with effect from 20-7-2002 he was transferred and posted at ICD Dhandari Kalan, Distt. Ludhiana. The respondent thus is estopped from contending that he is on the rolls of ICD Dhandari Kalan, Distt. Ludhiana. That the complainant was signatory to the letter of espousal at serial no. 75 in ID No. 160/1999 and he is the workman concerned in the said ID.

8. On the pleadings of the parties the following issues were framed on 3-6-2010.

(1) Whether Mr. Sanjeev Kumar applicant is a concerned workman or not in ID No. 160/1999. OPBP.

(2) Relief.

On 6-12-2010 the following additional issue was also framed:

Additional Issue:

If issue no. 1 framed on 3-6-2010 is answered in the affirmative, whether the respondent management has contravened Section 33 of the ID Act, 1947 or not?

9. In support of its case the applicant/complainant has examined himself as WW1. He has filed a detailed affidavit by way of his evidence. He has been subjected to detailed cross-examination by the A/R of the respondent corporation. Apart from him, he has also examined three more witnesses, namely Ranjeev Kumar WW 2, Binay Kumar Choudhary WW3 and Suresh Kumar Ranga WW4. In rebuttal to the above evidence, the respondent management has examined Shri Rajeev Bhardwaj, its Group General Manager (HR) as MW1. He has also filed his

detailed affidavit by way of evidence. He too has been subjected to a detailed cross-examination by the applicant & his A/R.

10. I have perused the entire record and have also heard the learned AR for the parties. I have also gone through the written submissions filed by them in this case. Various authorities relied upon by the parties have also been gone through by me. My findings on the issues are as under:

Issues No. 1, 2 & Addl. issue :

11. All these issues of this case are inter-connected and so I proceed to decide them together. During the recording of the evidence on 20-7-2011, learned AR for the parties submitted that they would confine their arguments on the issue whether Mr. Sanjeev Kumar is a concerned workman or not in ID No.160/1999 only. In other words, they did not want to touch the enquiry part which resulted in the dismissal of applicant/complainant Mr. Sanjeev Kumar. ID No.160/1999 was pending in this tribunal since 1999. With the consent of both the sides file of ID No.160/1999 and the proceedings conducted therein have also been looked into for deciding the present application. The file of ID No.160/1999 shows that on 17-11-2005 the case was adjourned for recording cross-examination of the workman to 16-3-2006. In between on 4-1-2006 the president and other office bearers of the workers union came to the court and informed the court that the parties had arrived at a settlement. My learned predecessor recorded the statement of the parties and passed a no dispute award in this case on 4-1-2006. The alleged General Secretary of the union subsequently moved an application for recalling the no dispute award and the said application has been dismissed vide order dated 16-5-2011. It is submitted from the side of the applicant/complainant that the aforesaid orders are now the subject matter of writ petitions no.3728/2011 and 3974/2011 which are pending before the Hon'ble High Court of Delhi. It is submitted from the side of the applicant/complainant that a no dispute award is no award in the eyes of law as the said award was not passed on interim or final determination of the industrial dispute referred to this tribunal. It is submitted that the tribunal jurisdiction was limited to decide the dispute on merits and not by holding that there was no dispute between the parties. So long as the dispute remains unsettled and the proceedings come to an end without adjudicating the dispute between the parties, there is no conclusion of the proceedings and the proceedings shall not be deemed to have been concluded and ID No.160/1999 has to be held as pending. There is substance in this argument from the side of the applicant/complainant and it has to be held that ID No. 160/1999 was pending on 26-3-2004 when the workman was removed from service. Reference in this connection is invited to the case of *G. K. Sarkar Vs. State of West Bengal & Ors* (Calcutta High Court) FLR 1988(56) and *B. R. Herman & Mohatta (India) Pvt. Ltd. Vs. The*

Seventh Industrial Tribunal, West Bengal and others 199 LAB.I.C.(NOC) 13(Cal).

Mr. Rajeev Bhardwaj MW1 the witness of the management in cross-examination has admitted that they had not challenged the espousal or the reference order or the proceedings which have taken place in ID No.160/1999. He was asked if he knew that Mr. Sanjeev Kumar was a signatory to the espousal which ultimately lead to the reference in ID No.160/1999 he stated that he did not know about the same. In other words, no challenge could be made to the claim of applicant/claimant Mr. Sanjeev Kumar that he was one of the signatories to the letter of espousal of ID No.160/1999. Mr. Sanjeev Kumar in his evidence has asserted that ID No.160/1999 is a industrial dispute espoused by the workmen of the respondent management and he is one of the signatories to the letter of espousal Ex.WW1/9 at serial no.75 marked at point A. Mr. Sanjeev Kumar has also asserted that ID No.160/1999 is a collective one in the nature of general demands made on behalf of the workmen of the respondent management affecting their rights as a class and they would be bound by the decision/final award passed in the said ID. Mr. Rajeev Bhardwaj MW1 in cross-examination has also admitted that the alleged dispute in ID No.160/1999 was a collective dispute. The term 'concerned workman' cannot be given a narrow construction and it includes all workmen by whom the dispute has been raised as well as those workmen who will be bound by the award. The word 'concerned' connotes a kind of specific, direct interest in any legal proceedings, to which he may not be individually a party, when a result or adjudication is capable of directly affecting him favourably or prejudicially according to the result. A workman who is likely to benefit or get adversely affected by any decision will be a 'workman concerned' in such dispute. In view of all this it has to be held that Mr. Sanjeev Kumar is a workman concerned in ID No.160/1999. The plea of the respondent management that Mr. Sanjeev Kumar was an employee of ICD Dhandari Kalan Distt. Ludhiana and therefore could not be workman concerned in ID No.160/1999 as it did not pertain to ICD Dhandari Kalan, District Ludhiana has no legs to stand upon. The industrial dispute in ID No.160/1999 is between the Container Corporation of India and its employees of Kanishka Shopping Plaza, Ashoka Road, New Delhi and the applicant/complainant is on the rolls of respondent corporation at Kanishka Office Plaza, Ashoka Road, New Delhi and even if he was transferred later on to ICD Dhandari Kalan, Distt. Ludhiana that would not make him un-connected with the dispute referred to in ID No.160/1999.

12. It is contended from the side of the management that there was no dispute between the parties as the scheme of grant of incentives for adopting small family norms was in existence in the respondent corporation from the very beginning and so the reference itself was bad. If the

reference itself was bad and ought not to have been made by the Central Govt., what prevented the respondent corporation from taking appropriate steps against the order of reference. As already pointed out, Mr. Rajeev Bhardwaj, MWI has admitted that they have not challenged either the espousal or the reference order made in the case ID No. 160/1999. It does not lie in their mouth now to contend that the reference order itself was bad. It is not a case where the reference order made by the Central Govt. has been declared to be invalid by an appropriate forum. In view of all this the authorities on this point relied upon from the side of the respondent corporation do not help their case and it has to be held that ID No. 160/1999 was pending when the order of removal from service of Mr. Sanjeev Kumar was passed in this case on 26-3-2004. It is not in dispute in this case that no application has been made by the respondent corporation before this tribunal where the proceedings were pending, for approval of the action taken by them against Mr. Sanjeev Kumar. Mr. Sanjeev Kumar has also asserted that he has not even been paid wages for one month when the order dated 26-3-2004 was passed against him. That being the position, Section 33(2)(b) has been clearly violated by the management corporation in this case and the grievance of Mr. Sanjeev Kumar applicant/complainant is required to be settled under Section 33 of the ID Act. The filing of an application in any other ID including ID No. 22/2002 would be absolutely of no benefit to the respondent management as the said application was not a proper application and the application was required to be moved only before this tribunal. Even no relief has been given by any other tribunal also to the management corporation in the case of removal from service of Mr. Sanjeev Kumar. In the landmark judgment in Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd. Vs. Shri Ram Gopal Sharma and others, 2002 LAB LC. 513, the Hon'ble Supreme Court has observed as under:

"Not making an application under Section 33(2)(b) seeking approval or withdrawing an application once made before any order is made thereon, is a clear case of contravention of the Proviso to Section 33(2)(b). An employer who does not make an application under Section 33(2)(b) or withdraws the one made, cannot be rewarded by relieving him of the statutory obligation created on him to make such an application if it is so done, he will be happier or more comfortable than an employer who obeys the command of law and makes an application inviting scrutiny of the authority in the matter of granting approval of the action taken by him. Adherence to and obedience of law should be obvious and, necessary in a system governed by rule of law. An employer by design can avoid to make an application after dismissing or discharging an employee or file it and withdraw before any order is passed on it, on its merits, to

take a position that such order is not inoperative or void till it is set aside under Section 33A notwithstanding the contravention of Section 33(2)(b) Proviso driving the employee to have recourse to one or more proceedings by making a complaint under Section 33A or to raise another industrial dispute or to make a complaint under Section 31 (1). Such an approach destroys the protection specifically and expressly given to an employee under the said proviso as against possible victimization, unfair labour practice or harassment because of pendency of industrial dispute so that an employee can be saved from hardship of unemployment?

It has further been observed in this ruling that "if approval is not given, nothing more is required to be done by the employee as it will have to be deemed that the order of discharge or dismissal had never been passed. Consequence of it is that the employee is deemed to have continued in service entitling him to all the benefits available. This being the position there is no need of a separate or specific order for his reinstatement."

13. In view of what has been discussed above, issue no. 1 is answered in the affirmative and in favour of Mr. Sanjeev Kumar applicant/complainant. Since issue no. 1 has been answered in the affirmative the additional issue framed on 6-12-2010 is answered that the respondent management has contravened Section 33 of the ID Act, 1947 and as regards the relief the same has to be in accordance with the landmark judgment of Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd. (Supra), The application filed by Mr. Sanjeev Kumar complainant/applicant under Section 33A of the Industrial Disputes Act, 1947 is therefore allowed and relief in terms of the mandate of Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd. (Supra) as quoted above is granted to the applicant/complainant Mr. Sanjeev Kumar. By way of additional clarification it is ordered that the punishment order dated 26-3-2004 is hereby declared null and void and as if the same had never been passed and the applicant/complaint Mr. Sanjeev Kumar shall be deemed to be in service entitling him to all the benefits available.

Dated: 27-7-2011

SATNAM SINGH, Presiding Officer

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2373.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एच.डी.एफ. सी. बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचाट (संदर्भ संख्या 8/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-12012/50/2010-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 8th August, 2011

S.O. 2373.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2011) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the management of HDFC Bank Limited, Human Resource Division and their workmen, received by the Central Government on 8-8-2011.

[No. L-12012/50/2010-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 MUMBAI

PRESENT

K. B. KATAKE, Presiding Officer

Reference No. CGIT-2/8 of 2011

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF

HDFC BANK LIMITED

The Assistant Vice President
HDFC Bank Ltd.
Human Resource Division
HDFC Bank House,
2nd floor Senapati Bapat
Marg Lower Parel
Mumbai 400 013.

AND

Their Workmen

Shri Pradeep Kumar Pandey
C/o. Maharashtra Employees Union
Kokanpada
Kurar Village
Malad (E)
Mumbai 400097

APPEARANCES:

For the Employer No appearance.

For the Workmen No appearance.

Mumbai, dated the 8th July 2011.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-12012/50/2010-IR (B-1), dated 9-3-2011 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of HDFC

Bank Ltd. In terminating services of Shri Pradeep Kumar Pandey, Ex-Customer Relationship Officer with effect from 26-8-2009 is legal and justified? To what relief the workman is entitled?"

2. Notices were issued to both the parties. However second party though duly served, remained absent. Registered AD receipt to that effect is at Ex-4. The second party union did not appear and file the statement of claim. Without Statement of claim, the reference cannot be decided on merits and the same deserves to be rejected. Thus I pass the following order:

ORDER

Reference stands rejected for want of prosecution.

Date: 8-7-2011

K. B. KATAKE, Presiding Officer/Judge

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2374.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई के पंचाट (संदर्भ संख्या 11/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-41012/22/2006-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 8th August, 2011

S.O. 2374.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2007) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Mumbai as shown in the Annexure in the Industrial Dispute between the management of Carriage and Wagon Workshop, Central Railway, Mumbai and their workmen, received by the Central Government on 8-8-2011.

[No. L-41012/22/2006-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1

MUMBAI

JUSTICE G.S. SARRAF, Presiding Officer

REFERENCE NO. CGIT-1/11 OF 2007

Parties : Employers in relation to the management of Carriage and Wagon Workshop, Central Railway

And

Their Workman Late K.S.Gaikwad represented by his legal heir Smt. Bhagirathi

APPEARANCES:

For the management : Ms. Fernandes, Adv.
For the Workman : Mr. J.P. Sawant, Adv.
State : Maharashtra
Mumbai, dated the 8th day of July, 2011.

AWARD

1. In exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) or Section 10 of the Industrial Disputes Act 1947 (hereinafter referred to as the Act) the Central Government has referred the following dispute for adjudication to this Tribunal.

"Whether the action of management of the Chief Workshop Manager, Carriage and Wagon Workshop, Central Railway, Matunga, Mumbai in recovering the wages paid to the employee late Shri Kisan S. Gaikwad from the retirement benefits and pension of Smt. Bhagirath Kisan Gaikwad is justified? If not, what relief widow/wife Smt. Bhagirath Kisan Gaikwad is entitled to?"

2. According to the statement of claim submitted by Smt. Bhagirath Kisan Gaikwad wife and legal heir to the deceased workman K.S. Gaikwad (hereinafter referred to as the legal heir to the workman) the workman K. S. Gaikwad was employed by the management of Central Railway in its Carriage and Wagon Work Shop, Mumbai (hereinafter referred to as the management) w.e.f. 24-4-1979 and he was in continuous employment in the capacity of Electric Fitter-II. The workman expired on 8-8-1998 while in service. The legal heir to the workman was entitled to receive the full amounts of Death-cum-Retirement Gratuity, Savings Fund, Provident Fund, Family pension and Dearness allowance in respect of the deceased. The legal heir to the workman approached the management for claiming the legal dues but instead the management asked her to deposit Rs. 92,188 as the balance recoveries of overdrawn wages which were paid to the deceased as wages for the period from 1-7-1993 to 8-8-1998 as according to the management the deceased should have retired w.e.f. 30-6-1993 and his services for the period from 1-7-1993 to 1998 could not be counted for any purpose. According to the statement of claim management has been recovering the amount of Rs. 2,93,642 from her pension amount in instalments illegally and without giving her any opportunity to explain. The deceased continued in service of the management and it was of no consequence that he should have retired on 30-6-1993 as per his date of birth. The deceased earned wages for the work he performed. According to the statement of claim the action of the

management in recovering the earned wages to the extent of Rs.2,93,642 from terminal dues in respect of the workman is illegal, unjustified and she being the legal heir to the workman is entitled to receive the amounts and benefits of terminal dues without any deduction and with interest @18% per annum.

3. The first party filed its written statement wherein it is stated that the workman K. S. Gaikwad was appointed on 24-4-1979 and his exact date of birth as per the certificate supplied by him is 1-7-1935. He was, therefore, due for retirement on 30-6-1993 after completing the age of 58 years. Due to oversight his name was not published in the list of staff that was due for retirement on superannuation during the year 1993 and thereby the workman erroneously continued in service till his death on 8-8-1998 and thus he overstayd in service for five years one month and eight days. The amount of wages for overstay period was worked out as Rs.2,93,642. The amount payable towards on superannuation on 30-6-1993 was also worked out as 2,01,454. Therefore, the legal heir to the workman was advised to deposit an amount of Rs. 92,188 (Learned counsel for the legal heir to the workman has stated that the entire amount has now been recovered). According to the written statement the action of the management in recovering the overdrawn amount from pension of the workman is justified and legal.

4. Legal heir to the workman filed rejoinder.

5. An affidavit of Bhaskar Kisan Gaikwad has been filed on behalf of the legal heir to the workman and he has been cross-examined by learned counsel for the management. The management has filed an affidavit of D.N.Dadilwar who has been cross-examined by learned counsel for the legal heir to the workman.

6. Heard Shri Sawant learned counsel for the legal heir to the workman and Ms. Fernandes on behalf of the management.

7. Two questions arise:

- (1) Whether legal representatives of the deceased workman are entitled to institute an industrial dispute under the provisions of the Act?
- (2) Whether the wages paid for the overstay period are recoverable from pension benefits of the workman?

8. There is no dispute that in the event of death of the workman during pendency of the proceedings the legal representatives or heirs can continue the proceedings. If pending proceedings can be continued by the legal heirs/representatives of the deceased workman there is no good reason to hold that such legal representatives/heirs cannot institute the proceedings before the Industrial Tribunal. If legal representatives/heirs of the deceased workman have locus standi to continue an industrial dispute instituted by such workman then they are also competent to institute

such industrial dispute after his death. I am supported by a decision of the Andhra Pradesh High Court reported in 1995 II CLR 870.

9. As regards the second question it has been held by the Apex Court in 1997 (2) VI All India Services Law Journal 130 as under :

“The learned Counsel for the petitioner contends that since the petitioner has worked during the period, he is entitled to the payment of the pay and allowance from 1-6-1991 to 26-6-1994 and that he is also entitled to the payment of Provisional Pension, Death-cum-retirement gratuity, leave encashment, commutation of pension amount, GPF money and the amount deposited under CGHS on the plea that he retired from service on May 31, 1994. We are aghast to notice the boldness with which it is claimed that he is entitled to all the benefits with effect from the above said date when admittedly he was to retire on May 31, 1991. It would be an obvious case of absolute irresponsibility on the part of the officer concerned in the Establishment in the concerned section for not taking any action to have the petitioner retired from service on his attaining superannuation. It is true that the petitioner worked during that period, but when he is not to continue to be in service as per law, he has no right to claim the salary etc. It is not the case that he was re-employed in the public interest, after attaining superannuation. Under these circumstances, we do not find any illegality in the action taken by the authorities in refusing to grant the benefits.”

10. I am of the view that the above judgement is fully applicable to the facts of the present case and in view of the judgement of the Apex Court the legal heir to the workman is not entitled to get the amount which the management has already recovered.

11. It is, therefore, held that the action of the management in recovering the wages paid to the deceased workman from the retirement benefits and pension is fully justified.

12. An Award is passed accordingly.

JUSTICE G. S. SARRAF, Presiding Officer

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2375.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट (संदर्भ संख्या 100/98) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-40011/1/1997-आईआर (डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 8th August, 2011

S.O. 2375.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/1998) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 8-8-2011.

[No. L-40011/1/1997-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section
(10(1)(d) of the I.D. Act, 1947

Reference No. 100 of 1998

Parties : Employers in relation to the management
of Telecommunication Department,
Ranchi and their workmen.

APPEARANCES :

On behalf of the workmen : Mr. D. Mukherjee,
Advocate

On behalf of the employers : Mr. Shushil Prasad,
Advocate

State : Jharkhand Industry : Tele communication

Dated, Dhanbad, the 21st July 2011.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-40011/1/97-IR (DU) dated, the 10th March, 1998.

SCHEDULE

“Kyaa Mahaparvandhak, Dursanchar Vivag,
Ranchi key Dwara 167 (Annexure) A.CG-17
Mazdooro key Sthaikaran key Swal Ko Nakar

Dena Kanha Tak Wajib Evam Nayaprada Hain?
Yadi Nahi to Karmkar Kis Anutosh key Hakdar
Hain?"

2. The case of the workmen is that workman Jakir Hussain and other concerned workmen as per enclosed list have been working in different permanent nature of job such as Exchange Maintenance, Cable, Line, store P.C.M. continuously by putting in more than 240 days attendance on each calendar year directly under the control and supervision of the management, rendering services and producing goods for the benefit of Telecommunication Management. Though they have been working as permanent workmen, the Management neither regularised their services nor is paying them their wages on regular pay scale par with other permanent workmen on the principle of "equal pay for equal work" despite their several times representation for it. Seeing the adamant attitude of the management, their elected representatives raised the industrial dispute before the ALC(C) Ranchi for it which also failed for the adoption of anti-labour attempt by the Management in course of its conciliation proceeding, hence it resulted in the reference for adjudication. Thus the action of the Management in not regularising and paying regular pay scale to the workmen is illegal arbitrary, unjustified, vindictive and exploitation.

The workmen in their rejoinder have categorically denied all the allegations of the Management.

3. Whereas with specific denials to the allegations of the workmen the case of the management is that neither the enclosed list of workmen has been received along with the written statement nor S/Shri Jakir Hussain and others are the workmen of the department. The department is employing only regular staff for such maintenance oriented job, so it has not employed any such workmen. As such rendering services and producing goods for the benefit of the telecommunication does not arise just as to their regularisation. They have never represented their case individually. The alleged elected five representatives are not the workers of the department. They do not have any legal, bonafide, reliable documents and records for consideration by the management. Moreover there is total ban an engagement of casual labour in the department on regular basis since April, 1985, since thereafter no casual labour is being engaged, so the management cannot regularise such workmen. The Management/Department has not any specific direction to regularise these alleged workmen. So no question of regularisation and retrospective payment of arrear to the alleged workmen arises.

FINDING WITH REASONS

4. In the instant case, WW-1 Md. Aarshad, WW-2 Parmanand Sharma on behalf of the workmen and MW-1

Quamsuddin Ansari on behalf of the management have been produced and examined.

On going through the evidences as adduced on behalf of both the parties, I find that WW-1 Md. Aarshad, one of the workmen deposing for self as well as his rest workmen, has admitted that these workmen are working as a Casual Workers under the management and some of them also discharged their duties as Cable Man and Line Man etc. According to them they performed the job continuous in nature under the supervision of S.D.O. Telephone from 10-00 A.M. to 5 P.M. every day just as the permanent workers worked with them but they get lesser wages as contrasted with the wages of the permanent workmen. The workmen have been working continuously by putting their attendance for more than 240 days in each year since 1991, 1992 as per the copy of the letter dt. 19-3-96 issued by the G.M. Telephone (District Ranchi) addressed to the ALC(C), Ranchi (Ext. W-1) enclosed herewith the copy of the list of workmen numbering 196 (W-1/1). They are discharging their duties continuously for years together and the management pays them their wages @ Rs. 65 per day (per capita), but on their representation to the management for regularisation, the management refused to do so, and raising the industrial dispute for conciliation before the ALC(C) concerned but on its failure resulted in this reference for adjudication. This witness has admitted not to have any paper to show the working of the workmen for 240 days each year under the management (voluntarily stated the witness that all the papers are lying with the management in this regard) and also not to possess any documents to show they are still working under the management. Having disagreed with comments of the DGM Telephone (Ext. W-1 and W-1/1) concerning the works performed by them, the witness has claimed that his name appears at Sl. No. 153 of the aforesaid Management's list of casual labourers (Ext. W-1/1), though admittedly the names of the workmen were not forwarded by the Employment Exchange prior to their engagement by the management.

5. Likewise the statement of Parmanand Sharma WW-2 as one of the workmen appears to be quite corroborative to the evidence of his colleague Md. Arshad (WW-1). He has stated that though the workmen have been working the job of maintenance of exchange, cable, line, store, PCM and others since long under the direct control and supervision of the management, yet they are called as casual workmen despite the aforesaid job being of permanent in nature which are also performed by regular and permanent workmen. To him, they have been continuously rendering the services for the benefit of the management, even than their services has not been regularised on the ground of no relationship of employer and employee exists between them and the management which is totally false. The witness has claimed that Identity Card dt. 14-9-94 (Ext. W-2-with objection) was issued by

the management. The witness (WW-2) has admitted not to possess any proof of the payment of wages except one for the year 1994 which was done after taking his signature on paper ACG Form XVII.

6. Whereas the statement of MW-1 Kamaruddin Ansari as Senior T.O.A., the Office of the G.M., BSNL, Ranchi is that all the alleged labourers of this case were never engaged against permanent vacancy under direct control of the management under BSNL or D.O.T., rather labourers were engaged by the SDO concerned for some urgent works, on day to day basis, for which they are paid by him through Form SEGXVII, but no Identity card (Ext. W-2), a fake one, was issued to any alleged workmen by the management, nor the SDO is the authority to issue it as per rules, as all the I. Cards issued under the signature of the Divisional Engineer (Administration) the Office of the GM Telephone/BSNL Ranchi. It is the SDO concerned who was the competent authority to say the period of their engagement and to pay them their wages. The ACG existed in the Telephone department as well as present in the BSNL who is still functioning for both the Telephone and the BSNL and the present BSNL may account for the period and the wage of the workmen's engagement.

7. Highlighting the case of the workmen the plea of Mr. D. Mukherjee, the Ld. Advocate for the Union/workmen is that 'the object of security of tenure, essential for an employee, can be attended by regularisation within a reasonable period and labour laws being beneficial piece of legislation, benefits must go to the labour' [2006(2) JLJR page 80(SC) workman of Bhurkunda Colliery-versus-Management, paras 6, 7, 9 & 11]. I find that it has also been held by the Hon'ble Apex Court in the aforesaid ruling under para-12 that 'effort must be to regularise the work-charged employees and casual labours as far as and as early as possible subject to qualifications and availability of work'. On the other hand the contention of Mr. D. K. Verma, the Ld. Advocate for the management based on the authority 2008(4) JLJR page 212, Emp. in re. Mgt. of Food Corp. of India v. Union of India (SC), as held therein, is that 'temporary employees, even if they have worked for more than 240 days in a calendar year cannot claim any right for automatic regularisation of their services—even in cases where there are regular posts and vacancies, procedure laid for appointment has to be followed (para-14)'. Further argument of the Ld. Counsel for the management in the light of Constitutional Bench of the Hon'ble Apex Court decision reported in 2006(2) JLJR 282 (SC), Secretary, State of Karnataka, versus Uma Devi is that 'when statutory rules are framed under Act, 309 of the Union Constitution the only fair means to adopt is to make appointments based on the rules so framed but the employees engaged without following due process or the rules did not acquire any right, so the Court cannot direct absorption regularisation, or re-engagement or permanency of such employees (paras 5, 30 and 21), 'though the Government is not precluded

from making temporary appointments, regular appointment must be the rules . . . direction for re-engagement of such persons in any other work would make judicial process another mode of recruitment de-hoars the rules (paras 10, 12, 22, 24, 27, and 40).'

8. On the punctilious study of the aforesaid Constitutional Bench Authority cited by Mr. D. K. Verma, the Ld. Advocate for the management I find that the Hon'ble Apex Court (CB) has been pleased to hold under its para 44 that, 'in cases of irregular appointments (not illegal appointment) of duly qualified persons in sanctioned posts working for 10 years or more appointed not under cover of orders of Courts or Tribunals, their regularisation may be considered as one time measure.'

9. In the light of the aforesaid cited authorities on behalf of both the aforesaid Constitution Bench is binding upon all in view of the present case as it stands before me for adjudication. In the instant case, I find the alleged Identity Card (Ext. W-2) of Parmanand Sharma one alleged workman under the signature S.D.O., P (W) Ranchi in lack of specific Sl. No. etc. appears to be a document of impeachable character because it does not stand in natural order of maintenance of Identity Cards of the management's employees. It is an admitted fact that the workmen have no any document to show their continuous service still under the management, yet according to the oral evidences of WW-1 and WW-2 the workmen have been working as casual workers by discharging their duties as cableman, lineman etc. under the Ranchi Sub-division (Telecom) under the supervision of DO Telephone since 1991 and 1992 by putting their attendance for more than 240 days in each year, but the list of the casual labourers (Ext. W-1/1) as per the letter dt. 19-3-96 of the G.M., Telephone, District Ranchi proves that out of the total 167 scheduled, workmen 22 workmen who have performed their duties under the management for more than 240 days in the year 1993 and 1994 concerned as under :—

Sl. No.	Sch. Sl. No.	Sl. No. of the list (Ext. W-1/1)	Name of the workman	Year
1	2	3	4	5
1.	94	22	Md. Shahid	1994
2.	95	23	Sabih Hassan	-do-
3.	102	49	Santosh Kumar Verma	-do-
4.	103	50	Ranjit Kumar (Singh)	-do-
5.	99	51	Satish Kumar Mishra	-do-
6.	98	52	Dhanjee Singh	-do-

1	2	3	4	5	
7.	100	56	Nagina Prasad	-do-	9. श्री पोलपुस तिकी
8.	104	57	Manas (Dev) Choudhary	-do-	10. श्री लालू महतो
9.	111	60	Nawal Kishore Singh/ (Prasad)	1993	11. श्री जय नारायण साहू
10.	112	61	Fale Oraon	-do-	12. श्री सोमरा तिकी
11.	114	63	Jagdish Prasad	-do-	13. श्री बहनु उरफ
12.	120	64	Sudarsan Ram	-do-	14. श्री बाहा कच्छप
13.	121	66	Mahali Tirkey	-do-	15. श्री जोन प्रिंस
14.	119	67	Ramchandra Sah(u)	-do-	16. श्री बबलू तिकी
15.	122	69	Ramakant Singh	-do-	17. श्री मो. रहीमुद्दीन
16.	123	70	Sudhuwa Kachhap	-do-	18. श्री गोपाल यादव
17.	110	71	Budhnath Paswan	-do-	19. श्री नवीन कुमार पाण्डेय
18.	82	73	Kamlesh Kumar	-do-	20. श्री सबीर अंसारी
19.	115	74	Sunil Gari	-do-	21. श्री लोथा कच्छप
20.	137	78	Bucha Minz	1994	22. श्री ललकुं तिगा
21.	86	122	Md. Riaz	-do-	23. श्री महाबीर कच्छप
22.	88	124	Lakhiram Rajwad	-do-	24. श्री जोसेफ सिंह

Except the aforesaid 22 workmen none of the other 145 workmen named in the schedule has completed 240 days attendance in any calendar year, so whose regularisation was justly refused by the management, therefore the aforesaid 145 workmen are not entitled to any relief. But the denial of the management to the aforesaid 22 workmen for their regularisation was though legally justified yet in view of their services under the management for more than 240 days in the respective calendar year 1993 and 1994 concerned the aforesaid 22 workmen's regularisation may be considered by the management against the sanctioned post if filled up through public employment as per the rules.

KISHORI RAM, Presiding Officer

अनुबन्ध-2

ए.सी.बी.-17 मजदूरों के नाम :-

1. श्री जाकिर हुसैन
2. श्री कृष्ण कुमार ठाकुर
3. श्री जीवन उरदेव
4. श्री उज्जवल टोप्पो
5. श्री सुखरान टोप्पो
6. श्री इन्द्रनाथ साहू
7. श्री संतोष एक्का
8. श्री धर्मचन्द पाम्पिया

25. श्री करम सिंह तिकी
26. श्री मनी साहू
27. श्री सुनील सिंह
28. श्री मोजुबुल रहमान
29. श्री मौ. अरज
30. श्री सकूर अंसारी
31. श्री सुकरा लकड़ा
32. श्री इरफान अली
33. श्री अमाहुद्दीन अंसारी
34. श्री मुस्ताक अंसारी
35. श्री रामवृक्ष गौप
36. श्री दिनेश
37. श्री राम विलास सिंह
38. श्री मौ. सलाउद्दीन
39. श्री बाल चन्द्र महतो
40. श्री पोलुस एक्का
41. श्री महमूद आलम

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| 42. श्री धनी साहू | 75. श्री प्रभू महतो |
| 43. श्री राम नाथ सिंह | 76. श्री शिलेदन कुमार |
| 44. श्री बिरसा एक्का | 77. श्री लखन प्रसाद यादव |
| 45. श्री कृपाल एक्का | 78. श्री यदूनन्दन भगत |
| 46. श्री मौ. हुसैन | 79. श्री राम बाबू प्रसाद |
| 47. श्री मौ. कलीम अंसारी | 80. श्री सुबोध सिंह |
| 48. श्री विपीन कुमार | 81. श्री रामप्रवेश राम |
| 49. श्री रामचन्द्र सिंह | 82. श्री कमलेश कुमार |
| 50. श्री मौ. सलीम | 83. श्री उमेश प्रसाद |
| 51. श्री मौ. सलील उल्लाह | 84. श्री अरविन्द कुमार |
| 52. श्री बबला एडे सौर | 85. श्री मौ. मोसीन खान |
| 53. श्री सयूग प्रसाद | 86. श्री मौ. रियाज |
| 54. श्री छएदू पाल | 87. श्री मौ. समसुन हौदस |
| 55. श्री कंस्य कुमार तिवारी | 88. श्री लखी राम रजवार |
| 56. श्री रामायण प्रसाद सिंह | 89. श्री मनोज कुमार सिन्हा |
| 57. श्री कैसव शर्मा | 90. श्री सतीश प्रसाद |
| 58. श्री मौ. रिजवान अहमद | 91. श्री दिना नाथ सिंह |
| 59. श्री संजय कुमार शर्मा | 92. श्री जीतू कच्छप |
| 60. श्री अजय कुमार शर्मा | 93. श्री मौ. आतिक |
| 61. श्री तारकेश्वर राय | 94. श्री मौ. साहीद |
| 62. श्री हु. कृष्णा यादव | 95. श्री सब्बी |
| 63. श्री हुमका मुण्डा | 96. श्री सुभग शर्मा |
| 64. श्री मदरू कच्छप | 97. श्री मौ. अमंजद |
| 65. श्री विपिन कुमार मंडल | 98. श्री धन्जी सिंह |
| 66. श्री जोर्ज एक्का | 99. श्री सतीश कुमार मिश्रा |
| 67. श्री सुरेश तिकी | 100. श्री नगीना प्रसाद |
| 68. श्री सुरेश लकड़ा | 101. श्री संजय कुमार सिंह |
| 69. श्री राज किशोर प्रसाद | 102. श्री संतोष कुमार वर्मा |
| 70. श्री सुनिल कुमार श्रीवास्तव | 103. श्री रंजीत कुमार |
| 71. श्री कृष्णा साहू | 104. श्री मानस चौधरी |
| 72. श्री अनुग्रह टोप्पो | 105. श्री सुनिल कुमार |
| 73. श्री भनिपरवा उद्गांव | 106. श्री मनोज कुमार |
| 74. श्री राजनी रोबीन लकड़ा | 107. श्री दिनेश प्रसाद यादव |

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| 108. श्री कमलेश कुमार सिंह | 141. श्री अहमद अली |
| 109. श्री राज किशोर यादव | 142. श्री अनिल कुमार पासवान |
| 110. श्री बुध नाथ पासवान | 143. श्री लक्ष्मी सिंह |
| 111. श्री नवल किशोर प्रसाद | 144. श्री शशिकान्त मेहता |
| 112. श्री पले उराव | 145. श्री बिन्दा प्रसाद |
| 113. श्री बलेश्वर कुमार पाल | 146. श्री शिवजी प्रसाद |
| 114. श्री जगदीश प्रसाद | 147. श्री यूसुफ अंसारी |
| 115. श्री सुनील गाडी | 148. श्री मौ. मुस्ताक अहमद |
| 116. श्री कपील प्रसाद | 149. श्री मौ. मुख्तार अंसारी |
| 117. श्री कामता प्रसाद | 150. श्री मौ. शमशाद अंसारी |
| 118. श्री कृष्णा कुमार | 151. श्री परमानन्द शर्मा |
| 119. श्री रामचन्द्र साहू | 152. श्री मौ. अकबर अंसारी |
| 120. श्री सुदर्शन राम | 153. श्री मौ. महबूब अंसारी |
| 121. श्री महली तिकी | 154. श्री मौ. अली |
| 122. श्री रामा कान्त सिंह | 155. श्री मौ. नूरहसन |
| 123. श्री सुधवा कच्छप | 156. श्री आइनुल अंसारी |
| 124. श्री मनोज कुमार ठाकुर | 157. श्री रामकुमार शर्मा |
| 125. श्री जितेन्द्र कुमार | 158. श्री राजबहादुर सिंह |
| 126. श्री सुभाष चन्द्र बोस | 159. श्री कुलेन्द्र कुमार |
| 127. श्री सियाराम भगत | 160. श्री महंगु राय |
| 128. श्री दयानन्द प्रसाद | 161. श्री अनिल पासवान |
| 129. श्री संतोष कुमार | 162. श्री मौ. जाकिर हुसैन |
| 130. श्री अजीत कुमार | 163. श्री असलम अंसारी |
| 131. श्री दुलारचन्द्र प्रसाद | 164. श्री मौ. एकराम अंसारी |
| 132. श्री शमशाद अली अंसारी | 165. श्री बालेश्वर यादव |
| 133. श्री सुबोध प्रसाद | 166. श्री आजीत तिकी |
| 134. श्री सुधरजीत कच्छप | 167. श्री संजय टोप्पो |
| 135. श्री कृष्ण महतो | |
| 136. श्री पिरसा गाडी | |
| 137. श्री बुप्पा प्रिंज | |
| 138. श्री लोविया | |
| 139. श्री सचिन कुमार दास | |
| 140. श्री सुरेन्द्र कुमार सिंह | |

एम. के. चौधरी, सहायक श्रमायुक्त (केन्द्रीय) रांची

नई दिल्ली, 8 अगस्त, 2011

का.आ. 2376.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 45/2000)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-40012/454/99-आईआर (डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 8th August, 2011

S.O. 2376.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workmen, received by the Central Government on 8-8-2011.

[No. L-40012/454/99-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE SRI RAM PARKASH,
PRESIDING OFFICER CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOR COURT, KANPUR**

Industrial Dispute No. 45 of 2000

Ravindra Kumar Mishra,
C/o Vishnu Shukla,
UP Mechanical Technical &
Genl. Wokers Union, L-21, Bara - 6,
Kanpur.

And

The District Telecom Manager,
Department of Telecom,
Government of India,
Etawah.

AWARD

1. Central Government, MoI, New Delhi vide notification No. L40012/454/99-IR(DU) dated 3-3-2000 has referred the following dispute for adjudication to this tribunal—

2. Whether the action of the management of Telecom Etawah in terminating the services of Sh. Ravindra Kumar Mishra w.e.f. 12-2-99 is justified? If not what relief the workman is entitled to?

3. Brief facts are—

4. The claimant Ravindra Kumar Mishra (now deceased) is being represented by his wife Smt. Neelam Mishra by order of the tribunal dated 6-5-2002. Sri Ravindra Kumar Mishra has filed his claim statement alleging that he was in continuous employment with the opposite party with effect from 23-8-97, and was working at the post of

driver. At the time of appointment he was not given any appointment letter. His work was up to the entire satisfaction of his superiors. Due to male practices prevalent in the department he could not be made permanent. He was not paid the graded pay scale of driver but he was paid only at the rate of 77.62 paise per day arbitrarily. He was also not paid other existing benefits and social security prevalent in the opposite party. He was performing the duties of the driver regularly and on monthly basis but he was not treated as a daily rated workman and not as monthly rated employee. The management with sole intent to give artificial breaks compelled him to draw his salary in the name and style of Mr. Ravindra Kumar Mishra for part of the month and for rest of the month he was paid wages in the fictitious name of Saurabh Singh, though there was no character of Saurabh Singh in existence but the applicant was not having any other option, he was compelled to accept the unfair practice illegally imposed upon him by the management without any willingness of his own during the tenure of his service in the name of so called fictitious name of Saurabh Singh. He was permanently driving the Ambassador Car No. UP 75 B-1352 and the fact can be verified from writing / filling of the log book of the said car.

5. There are three posts of driver existing in the department but only one driver is engaged permanently as such two post of driver are still lying vacant.

6. He requested several times for regularizing his service and for giving him his regular pay scale but the department gave assurance only. When he pressurized to full fill his request the opposite party terminated his services by an oral order dated 12-2-99 illegally and unlawfully without fulfilling the provisions of the Industrial Disputes Act, 1947. After his termination the opposite party recruited one new person Mr. Raffiuddin without exercising the due process as such they violated the provisions of Section 25H of the Act. No charge sheet was ever issued to the complainant therefore, the dispensation of his services by the opposite party is illegal and against the principle of natural justice and accordingly is attractive of the provisions of Unfair Labor Practice. Accordingly he has prayed that the action of the management in dispensing his services be held to be illegal and he be declared to be reinstated in the services of the opposite party with full back wages, continuity of service and all consequential benefits.

7. Opposite party has filed the written statement refuting entire claim of the claimant. They stated that the claimant was never engaged or employed for the post driver in the department so question of termination does not arise. He was not given any assurance for being him made regular or permanent on the post of driver. When he was not employed so the question of writing the log book of the car does not arise. It is stated that there is one post of driver. It is stated that there was only one post of driver

lying vacant in Doorsanchar Etawah which was filled from the employment exchange on 15-2-2000, being of a schedule caste candidate. It is also stated that the department has not engaged any person in the name of Mr. Raffiuddin. When he was never engaged or employed so the question of notice or notice pay does not arise. Therefore, they have not committed any breach of any of the provisions of the Industrial Disputes Act; therefore, the claim is liable to be rejected.

8. Both the parties have filed documentary as well oral evidence.

9. Both the parties have adduced oral evidence.

10. From the side of the claimant Smt Neelam Mishra has been produced as W.W.L. Opposite party has produced M.W.1 Sri Mohammad Irshad, SDO, Administration, Etawah.

11. Heard and perused the record thoroughly and deeply.

12. It is a fact that the claimant Sri Ravindra Kumar Mishra had expired during the pendency of the case and his wife Smt. Neelam Mishra has been substituted a Legal heir of the deceased and she was produced in evidence

13. She stated that her husband Ravindra Kumar Mishra was employed as a driver in the year August 1997 and worked there till 12-2-99 under the opposite party. During this period he worked there continuously and also during this period he used to get Rs.77.62 paise per day as wages. She stated that documents vide list dated 8-3-2001 were handed over to her by her husband which have been filed. She stated that the original of these documents are with the opposite party. This fact stated was stated by her husband. They have summoned the original documents from the opposite party but they did not file the same.

14. When her husband was removed from service no notice or notice pay or retrenchment was paid to him. She further stated that her husband worked for more 300 days continuously and this fact can be verified from paper No. 23/44 to 23/80. These are the photocopies of the log book. She further stated that the salary of her husband was being paid by vouchers. She goes on to state on oath that her husband was deputed on car no. UP 75B-1352 to drive the same which was the car of the department. Paper no.23/29 to 23/43 is the photocopies of the receipts of the diesel used in the car. There are signatures of her husband over the same. Paper No. 23/16—23/18, 23/22 and 23/24 bear the signature of her husband which is the photocopies. It is also stated that after the death of her husband the opposite party pressed her not to prosecute the case and take the compensation.

15. From the facts and circumstances a short question now to be decided is whether the deceased Sri Ravindra Kumar Mishra was ever employed or engaged by the opposite party I yes whether he has completed more than 240 days of continuous service and whether any right has accrued in his favour under the provisions

of section 25F of the Act, if yes whether any benefit can be given to her being his wife and his legal heirs.

16. It is true that initially the burden lies on the claimant side to prove her case and if prima facie as in the present case where the deceased has expired, claimant is able to discharge her burden then a heavy burden shifts upon the shoulder of the opposite party to prove otherwise.

17. I have examined the statement of MW1. He stated in the chief that the deceased claimant may have been engaged by some officer of the department by the opposite party. The officer who has engaged him in emergency work he has not sought permission from the competent authority. Sri Ravindra Kumar Mishra was not given any fixed salary. His statement is against the version of the pleadings of the opposite party. In the written statement they have specifically denied the engagement or appointment of the deceased claimant. Here he says that Sri Mishra had been engaged for emergency work and some part of his statement he states that he might have been engaged and in the cross he states that he does not have any personal knowledge regarding the deceased claimant. He states that he does not know the working period of the claimant deceased as to from what date he was engaged and up to for what date he worked in the department. He states that he could not identify the signatures of the officer who had been posted during the period 1997—2001. But he admitted that the vehicle UP 75-1352 is an official vehicle. He does not know who was the driver being engaged in emergency.

18. Opposite party has filed certain receipts of the diesel in original vide list 14-5-08. When MW 1 was confronted with documents questioning as to which officer has signed the diesel slips then he showed his ignorance. The claimant side has also filed several diesel receipts (photocopies) which bears the signature of Ravindra Kumar Mishra. When I inquired from the authorized representative from the opposite party that why they can file certain receipts of 1997 to 1999 of particular dates, what was the hitch of not filing the original receipts of those dates which had already been filed by the deceased claimant. Whereas the claimant had been pressing the opposite party from the initial stage to produce the original records.

19. Claimant has specifically stated that a log book was maintained in the department. The claimant has filed the photocopies of the log book starting from August 1997 to 12-2-99. Whether a log book was being maintained or not, in the pleadings the opposite party stated that log book was not being maintained. But this fact does not appear to be true. In the examination in chief M.W. 1 made contradictory statements. At one stage he stated that no log book is issued from the department and in the same sequence he stated that log book is filled by the officer and signed by the driver. When the witness MW.1 was confronted in the cross examination with the pages of the log book bearing signatures of the claimant then he stated that there are certain signatures in the log of which a few appears to be in the hand writing of some officers.

20. When a question was put to him whether there was any permanent driver during the period 1997 to 2001, he expressed his ignorance on this point. It shows that the officer was not having any knowledge of the case and the opposite party knowingly or otherwise did not produce some competent officer or the officer who had engaged the deceased claimant, who could have given best evidence. This fact is also inferred because M.W.1 at page three admitted in evidence that Sri Ravindra Kumar Mishra had been engaged as a driver in emergency and he had driven the vehicle of the department.

21. MW.1 also admitted the authenticity of the payment vouchers like paper no.23/16 and 23/18. He also admitted that the payment was made to Sri Ravindra Kumar Mishra by the officer on vouchers through the department. The claimant side has filed several documents including payment vouchers. Opposite party was directed to file the entire original document which was summoned by the claimant through an application supported by affidavit. Opposite party had not filed any objection against that application and learned predecessor vide order dated 17-5-2007 directed the opposite party to file the original documents but the opposite party did not file the original document and did not disclose cogent reason, so an order was passed by learned predecessor on 11-9-2007 that a legal presumption will be drawn at appropriate time.

22. The claimant side has produced several decisions of the Hon'ble High Court and Apex Court. They have placed reliance upon a decision 2005 (07) FLR 431 Allahabad High Court between Mahak Singh and Presiding Officer IT Meerut. In this case it was found that the employer failed to produce best evidence on record- onus was on employers, they failed to fulfil the same without any reason therefore Labour Court was obliged to draw an inference under section 114 of illustration (g) of the Indian Evidence Act. It has also been found in the case that what was permanent nature of work was taken from the workman but alleged to have been engaged to meet casual and temporary requirement of work without any evidence held it amounts to unfair labour practice.

23. In another case 2005 (105) FLR 383 SC between Bank of Baroda & Gheemar Bhai. In this case the Hon'ble Apex Court held that— while there is no doubt in law that the burden of prove that the claimant was in employment of the management primarily lies on the workman who claims to be a workman. The degree of such proves so require would vary from case to case. In the instant case has established the fact which of course has not been denied by the bank that he did work as a driver of the car belonging to the bank during the relevant period which comes to more than 240 days of work. He has produced three vouchers which showed that he had been paid certain sum of money towards his wage and the said amount has been debited to the account of the bank. As against this as found by the fora below no evidence what soever has

been adduced by the bank to rebut even this piece of evidence produced by the workman.

24. I have considered the facts of the present case. In the present case there are several payment vouchers which bears the signature of the deceased claimant which show that the payment of wages was made to the claimant deceased as driver. There is log book it appears to be in seriatim from the period 1997 to 1999. M.W.1 admitted that the same bears signatures of some of the officers of the department.

25. Therefore, considering all the facts and circumstances and the evidence in the case I am of the view that the deceased claimant was engaged or employed by the opposite party as a driver, though no appointment letter was issued to him. But under the provision of Industrial Disputes Act, which are of the nature of social legislation, which prohibits the exploitation of the human resources by big ones being supply more and demand less, it does not make any difference in between engagement like temporary worker. Here we have to see whether a right has accrued to the claimant who has put in continuous service. Here in this case I am of the view that the deceased workman has put in 240 days or more before his termination preceding 12 calendar months. Therefore a right has accrued to him under section 25F of the Act. It is a fact that opposite party had not given any notice, notice pay or retrenchment compensation to the workman before terminating his services.

26. Therefore, for the reasons disclosed above, it is held that the termination of the services of the deceased claimant is neither legal nor justified.

27. But during the pendency of the case it was brought to the notice of the tribunal that the claimant died and in his place his wife was substituted in his place to press the claim.

28. Under these circumstances reinstatement of the claimant cannot be ordered but it is ordered that the management should pay entire monitory benefits in the shape of back wages to the wife of the deceased claimant within one month from the date of publication of the award.

29. Before parting with it may also be pointed out that this fact was also brought to the notice of the tribunal that the claimant during the pendency of the case was murdered and his wife claimed appointment on compassionate ground. But in the facts and circumstances of the case tribunal does not find any force in her contention. However it would be appropriate in the facts and circumstances of the case that the wife of the deceased claimant is awarded Rs.25000 as compensation in addition to the benefits which has accrued to the deceased claimant like back wages from the date of his termination.

30. Reference is answered accordingly in favour of the claimant and against the opposite party.

RAM PARKASHI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2011

का. आ. 2377.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीपीडब्ल्यू डी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अरनाकुलम, कोचीन के पंचाट (संदर्भ संख्या 1/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-42011/44/2008-आई. आर. (डी.यू.)]

जोहन तोपनो, अवर सचिव

New Delhi, the 8th August, 2011

S. O. 2377.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2009) of the Central Government Industrial Tribunal cum Labour Court Ernakulam, Cochin as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 08-08-2011.

[No. L-42011/44/2008-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM**

Present : Shri. D. Sreevallabhan, B. Sc., LL. B.,
Presiding Officer

(Monday the 25th day of July, 2011/3rd Shravana, 1933)

I.D. 1/2009**Union :**

The Secretary,

Central PWD Mazdoor Union,
Income Tax Office Building,
Mananchira,
Calicut-673 001.

By Adv. Shri Ashok B. Shenoy.

Management :

The Superintending Engineer (Co-
ordination, CPWD, Southern Region,
'G' Wing, 1st Floor, Rajaji Bhawan,
Besant Nagar, Chennai-600 090.

By Adv. Shri Cyriac Kurian.

Addl. Respondent : N. Madhusoodanan Nair,

S/o. Narayanan Nair,
Electrician CPWD (E),
Government of India Press,
Koratty, Thrissur District.

This case coming up for final hearing on 18-07-2011 and this Tribunal-cum-Labour Court on 25-07-2011 passed the following.

AWARD

After having two rounds of litigation before the Ernakulam Bench of the Central Administrative Tribunal between Sri T. K. Babu and Sri N. Madhusoodanan Nair as to the seniority of their service industrial dispute was raised by the union challenging the fixation of the seniority in the seniority list published on 23-04-2007 of the Work Charged Staff (Electrical) as on 01-04-2007 pursuant to the direction of the Central Administrative Tribunal (CAT) vide order dated 30-06-2003 in OA 239/2003 and the same has led to this reference under Section 10(1)(d) of the Industrial Disputes Act 1947.

2. The reference is :

"Whether the action of the management of C.P.W.D. in fixing the seniority of Shri Madhusoodhanan Nair ahead of Shri Babu contrary to their own statement in the earlier dispute and in spite of Shri Babu completing 240 days in the year 1987, ahead of Shri Madhusoodhanan Nair is fair and justifiable? If not, what relief is Shri T.K. Babu entitled to?"

3. Both the employees commenced their service as NMR workers. The seniority was fixed by considering completion of 240 days continuous service in two consecutive years. In the seniority list published in the year 2004 Shri T.K. Babu was placed above Shri N. Madhusoodanan Nair since he was found to have completed 240 days of service before completion by Shri Madhusoodanan Nair. Shri Babu was Sl. No. 34 and Shri. Madhusoodanan Nair, was serial No. 38 in that seniority list. But later it was revised pursuant to the direction in the above said order of the Central Administrative Tribunal. Shri Madhusoodanan Nair was found to have completed 240 days on 13-10-1987 and Shri Babu on 16-10-1987 and thereby Shri Madhusoodanan Nair was placed above him in the revised seniority list. Their seniority number was given as 31 for Madhusoodanan Nair and 32 for Shri Babu in the Official Memorandum dated 09-02-2007 issued after revising the seniority. Now in the published seniority list of Wireman (Kerala Unit) for 2007-2008 serial No. 30 is Madhusoodanan Nair and serial No. 31 is Shri Babu.

4. In the claim statement of the union filed by Sri Babu in his capacity as the Secretary of CPWD Mazdoor Union, Calicut Branch it is alleged that the

revised seniority list was prepared without affording an opportunity of hearing to him as per the order dated 30-06-2003 of the Central Administrative Tribunal and also in violation of the two reports of the Executive Engineer (Elect), CCED/CPWD, Coimbatore (Letter No. 10(5)/98/CCED/AB/2625 dated 02-11-1998) and Executive Engineer (Elect), CCED/CPWD, Trivandrum (Letter No. 3(18)/TCED/2/2032 dated 29-08-2002). He was the first Wireman in the seniority list among the qualified hands to get promotion in the vacancy of Electrician arose on 8-10-2006 in Kerala. But he was not given promotion in spite of his representations dated 09-10-2006, 03-02-2007 and 06-02-2007 to the Superintending Engineer and thereby a dispute was raised before the Assistant Labour Commissioner (Central), Cochin on 18-06-2007. Shri Madhusoodanan Nair was not qualified to be promoted as Electrician as on the date of arising the vacancy. He was an Electrical Khalasi till 21-01-2002 and could not have acquired supervisory permit without completing two years service as Wireman to appear for Electrical Trade Test. But Shri Babu passed Electrical Trade Test conducted by the department on 03-05-2005. Hence Shri. Madhusoodanan Nair cannot be placed above him in the seniority list. The revised seniority list is not prepared in accordance with the proper procedure or correct seniority and it is with full of factual errors. So the action of the management in fixing the seniority of Shri Madhusoodanan Nair ahead of Shri Babu is against their own statement in the earlier dispute and hence not justified.

5. The contentions put forward in the written statement filed by the management are that the claim petition is not maintainable before this Tribunal since the statutory remedy for the union or any affected party is to approach the Central Administrative Tribunal. Pursuant to the order dated 30-06-2007 of the Ernakulam Bench of the Central Administrative Tribunal the seniority list in respect of Wireman issued vide letter No. 10/2/18/2004/coord/SR/128 dated 12-02-2004 was revised and necessary amendment has been made in respect of Shri Madhusoodanan Nair and Shri Babu in the seniority list vide letter No. 10/2/18/2007/SE/(Coord)/44(H) dated 23-04-2007 by declaring Shri Madhusoodanan Nair as senior to Sri. T.K. Babu after considering the vouchers, registers and other relevant documents and on finding that Shri Madhusoodanan Nair has completed 240 days of service in two consecutive years on 13-10-1987 while Shri Babu completed it on 16-10-1987. Since Shri Madhusoodanan Nair being the senior and passed the trade test for the promotional post of Electrician he was promoted in the vacancy of Electrician. The revised seniority list was prepared on the basis of vouchers and other records and hence it was not necessary to afford opportunity for hearing to both of them in fixing the seniority. Shri N. Madhusoodanan Nair was placed above

Babu vide O.M. No. 55/17/2007 (Coord) SR/93 dated 09-02-2007 after revising the earlier seniority list in compliance with the direction in the order dated 30-06-2003 in OA No. 239/2003 of the Ernakulam Bench of the Central Administrative Tribunal. It is because of the different treatment in considering the paid holidays Shri Babu was placed above Sri Madhusoodanan Nair in the earlier seniority list. There was a mistake in the calculation of the paid holidays and it is after the direction of the Central Administrative Tribunal there was proper computation as to the working days of the two workers. If there was any grievance with regard to the order of the Central Administrative Tribunal Shri Babu could have approached the Hon'ble High Court under Article 227 of the Constitution of India.

6. Shri Madhusoodanan Nair filed IA 4/2010 to get himself impleaded as additional respondent in this proceeding and the same was allowed by my learned predecessor in office vide order dated 19-04-2010. After impleadment he filed written statement denying the allegations in the claim statement and adopting the contentions in the written statement of the management. It is further contended that Shri Babu has no right to file the claim statement as the Secretary of the union since he ceased to be a member of that union as he got promotion as Junior Engineer on 19-05-2009 and hence became a member of the Administrative branch. In the seniority list in respect of Wireman issued vide Letter No. 10/2/18/2004/Coord/SR/128 dated 12-02-2004 necessary amendment was made with regard to the seniority of Sri Madhusoodanan Nair and Babu in compliance with the order dated 30-06-2003 of the Ernakulam Bench of the Central Administrative Tribunal and Sri N. Madhusoodanan Nair was declared senior to Sri. Babu in the seniority list of Wireman issued vide No. 10/2/18/2007/Coord/SR/44(H) dated 23-04-2007. He was promoted in the vacancy of Electrician since he was the first eligible Wireman with test qualification for promotion. The seniority was refixed as it was found that different treatment was given in respect of paid holidays while preparing the earlier seniority list. Shri Babu was afforded opportunity for hearing and thereby he had responded through his letters dated 04-09-2003 and 01-11-2003.

7. Union did not file any rejoinder in spite of granting several adjournments after filing written statement by the management and also after filing written statement by the additional respondent.

8. No evidence, either oral or documentary, was adduced by the Union. Management has also not adduced any oral evidence. The documents produced by the management were marked on consent as Exts. M1 to M4. Additional respondent was got examined as MW1 and Ext. M5 was marked. At the time when the case was taken

up for hearing after closing the evidence learned counsel for the union relinquished the vakalath after reporting no instructions.

9. The points for determination are:

1. Whether there can be adjudication of the dispute before this Tribunal and whether Sri T.K. Babu is competent to file the claim statement?

2. Whether the refixation of seniority by the management by placing Sri Madhusoodanan Nair ahead of Sri Babu contrary to their statement in the earlier dispute and in spite of completion of 240 days service by Sri Babu in the year 1987 ahead of Sri Madhusoodanan Nair is fair and justifiable and if not what relief he is entitled to?

10. **Point No. 1 :**— The dispute as to the seniority of the two workmen was taken up by each of them before the Central Administrative Tribunal. It is in OA 239/2003 filed by Sri Madhusoodanan Nair direction was given to reconsider the issue of seniority as per the order dated 30th June 2003, copy of which is Ext. M2. It is after the refixation of the seniority this industrial dispute was raised by the union and thereby the reference was made to this Tribunal to consider the fairness and justifiability of placing Sri Madhusoodanan Nair ahead of Sri Babu against the admission made by the management in that case before the Central Administrative Tribunal. It is an industrial dispute since it is regarding the question of seniority of two workmen in an industrial establishment. Nothing was argued by the learned counsel either for the management or for the additional respondent to substantiate the contention as to the maintainability of such a reference before this Tribunal.

11. At the time of raising the industrial dispute Sri Babu was the Secretary of the union. There is a contention that later he was appointed as Junior Engineer on 19-05-2009 and thereby he ceased to be the member of the union and hence the reference cannot be proceeded with. But as on the date of the reference and at the time of filing the claim statement he was the Secretary. After making the reference this Tribunal is bound to answer the same and hence it cannot be said that there is no necessity to continue with the proceedings.

12. **Point No. 2 :**— It is not in dispute that in the seniority list published on 12-02-2004 Sri Babu was senior to Sri Madhusoodanan Nair. The copy of that seniority list was not produced in this case either by the union or by the management. Challenge was made by Sri Madhusoodanan Nair with regard to the seniority given to Sri Babu in that seniority list by filing OA 239/2003 before the Central Administrative Tribunal, Ernakulam. As per Ext. M2 order the Central Administrative Tribunal directed the management to reconsider the issue of seniority on the basis of the

vouchers, registers and other relevant documents which would show the number of days of work Sri Madhusoodanan Nair and Sri. Babu had put in two consecutive years. In pursuance of that order it was reconsidered and Sri Madhusoodanan Nair was placed ahead of Sri Babu after revising the earlier seniority list as per order dated 24-11-2003 of the Superintending Engineer (Coord). After considering the available documents it was found that Sri Madhusoodanan Nair had completed 240 days on 13-10-1987 and Sri Babu on 16-10-1987. Afterwards office memorandum dated 09-02-2007, copy of which is Ext. M3, was issued by the Superintending Engineer (Coord) modifying the seniority list by placing Sri Madhusoodanan Nair ahead of Babu. Ext. M1 is the copy of the Seniority list of Work Charged Staff (Electrical) as on 01-04-2007 under Kerala unit published on 23-04-2007 wherein also Sri Madhusoodanan Nair is placed above Sri Babu in seniority. It is the case of the union that the revised seniority list was prepared without affording any opportunity of hearing to Sri Babu and also without considering the reports of the two Superintending Engineers. As per Ext. M2 order Sri Babu was to be given opportunity for being heard while reconsidering the question of inter se seniority. It is contended by the additional respondent that Sri Babu was afforded opportunity for hearing and he has availed it by sending letters dated 04-09-2003 and 01-11-2003. He has produced Ext. M5 order to satisfy that Sri. Babu was given the opportunity to be heard as per the order dated 19-03-2009 of the Central Administrative Tribunal but the same was not availed by him in spite of repeated notices and thereby that order dated 19-03-2010 was passed by the Superintending Engineer (Coord) upholding the earlier order dated 24-11-2003 refixing the seniority.

13. The claimant did not adduce any evidence before this Tribunal to satisfy that the refixation of the seniority was done in an improper or illegal manner. He was already appointed as Junior Engineer on 19-05-2009 after the reference in this case. His grievance as to the refixation of seniority without affording opportunity for hearing need not be considered in view of Ext. M5 order since he is seen to have been afforded opportunity for hearing as per the direction of the Central Administrative Tribunal. In this case it is to be independently proved that the refixation of seniority by revising the seniority list was not proper by adducing evidence. As the union failed to adduce any evidence to prove it, it can be held that the action of the management of CPWD in fixing the seniority of Sri Madhusoodanan Nair ahead of Sri Babu pursuant to the direction of the Central Administrative Tribunal is fair and justifiable.

In the result an award is passed finding that the action of the management of CPWD in fixing the seniority of Sri Madhusoodanan Nair ahead of Shri Babu contrary to their own statement in the earlier dispute is fair and justifiable.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 25th day of July, 2011.

D. SREEVALLABHAN, Presiding Officer

Appendix

Witness for the Union—Nil.

Witness for the Managements

MW1 - Madhusoodanan Nair, Electrician, CPWD (E), Government of India Press, Koratty.

Exhibit for the Union Nil.

Exhibits for the Managements

- M1- Photocopy of Seniority list of WC Staff (Electrical) as on 01-04-2007 under Kerala Unit.
- M2- Photocopy of the Central Administrative Tribunal's Order dated 30-06-2003 in O.A. No. 239/2003.
- M3- Photocopy of the Office Memorandum No. 55(17)2007 Coord SR 93 dated 09-02-2007.
- M4- Photocopy of the Office Order No. 55(17)2003 Coord SR 1306 dated 24-11-2003.
- M5- Photocopy of the Office Memorandum No. O.A. No. 768-2006 Coord SR 2010/257 dated 19-03-2010.

नई दिल्ली, 9 अगस्त, 2011

का. आ. 2378 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बिहार क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, पटना के पंचाट (संदर्भ संख्या 35(सी) 2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-08-2011 को प्राप्त हुआ था।

[सं. एल-12012/55/2007-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th August, 2011

S. O. 2378—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 35 (C) of 2007 of the Industrial Tribunal, Patna (Bihar) as shown in the Annexure, in the Industrial dispute between the management of Bihar Kshetriya Gramin Bank, and their workmen, received by the Central Government on 09-08-2011.

[No. L-12012/55/2007-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA

References Case No. 35 (C) of 2007.

Between the management of Bihar Kshetriya Gramin Bank, Head Office, Bhagat Singh Chowk, Munger (Bihar) and their workman Sri Kumar Manoj Priya, represented by the Deputy Secretary, Bihar Provincial Bank Employees' Association, 203, Hariom Commercial Complex, New Dakbungi, Patna-1 (Bihar)

For the Management : Sri Shivaji Pandey, Sr. Advocate, B. N. Tiwari, and Shri B. B. Sharan, Advocates.

For the Workman : Sri Devi Kant Jha, Advocate & Sri Birendra Kumar Jha, Advocate.

AWARD

Patna, dated the 14th July, 2011

By adjudication Order No. -12012/55/2007-IR(B-I) dated 8-10-2007, the Government of India, Ministry of Labour, New Delhi under clause(d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of Bihar Kshetriya Gramin Bank, Head Office, Bhagat Singh Chowk, Munger, Bihar and their workman Sri Kumar Manoj Priya, represented by the Deputy Secretary, Bihar Provincial Bank Employees' Association, 203, Hariom Commercial Complex, New Dakbungalow Road, Patna-1 (Bihar) for adjudication to this Tribunal on following:

"Whether the action of the Management of Bihar Kshetriya Gramin Bank in terminating services of Sri Kumar Manoj Priya by issuing circular to the Concerned Branch Manager without complying Section 25-F & not maintaining status quo as per Section 33(1) of the I.D. Act and not regularising and reinstating and not giving him permanent status in a regular post of messenger-cum-sweeper is legal and justified? If not what relief Sri Kumar Manoj Priya is entitled to?"

2. On notice parties appeared. On behalf of workman, Bihar Provincial Employees' Association appeared and filed Statement of Claim. It has been pleaded in the statement of claim that the workman Kumar Manoj Priya (hereinafter referred to as the workman) was appointed at Nath Nagar Branch of Bhagalpur Banka Kshetriya Gramin Bank as a Sweeper w.e.f. 30-10-2000 in a proper manner and on the instructions of Head Office of the Bank at Bhagalpur. Initially he was paid very meagre wages. He was employed for full days work. His daily wages was increased from time to time. Later on the Head Office of the Bank vide letter dated 22-9-2003 enhanced the daily wages of the workman to Rs. 81.67 and this continued till Sept., 2008. He was paid Festival Advance. He was also paid bonus for 2001. He was paid wages through vouchers. He worked for 563 days. Later on the management of Bihar Kshetriya Gramin Bank, Head Office, Munger issued a circular proposing termination of services of the workman from 16-9-2006 who were not appointed in terms of circular of the Bank. The workman apprehending termination of his services in violation of Sec. 25-F of the Industrial Dispute Act made a representation on 11-9-2006 to the Assistant Labour Commissioner (Central), Patna, who took steps by issuing notice to the Chairman, Munger Kshetriya Gramin Bank, Head Office, Munger fixing 15-9-2006 and simultaneously attention of the management was drawn towards Sec. 33(1) of the I.D. Act during the pendency of Industrial Dispute. On 15-9-2006 both the parties appeared before A.L.C. The representative of the management asked for adjournment. In the course of proceeding the representative of the management agreed to maintain status quo as per Sec. 33(1) of the Industrial Disputes Act and the proceeding was adjourned to 3-11-2006. In course of conciliation proceeding on next date Bihar Provincial Employee' Association, Patna espoused an Industrial Dispute for regularisation of services of the workmen and subsequently on 16-10-2006 served a notice threatening to launch agitation programme including strike if the workman was retrenched and not regularised. The Assistant Labour Commissioner (Central) Patna vide his letter dated 20-9-2006 intimated result of the proceeding held in his office on 15-9-2006, in which the management's representative had agreed to maintain status quo as per Sec. 33 of the I.D. Act. However the management terminated the services of the workman w.e.f. 15-9-2006 in violation of Sec. 25-F and Sec. 33(1) of the Industrial Disputes Act. the approval of conciliation Officer was not taken for termination of services of the workman. After failure report from Assistant Labour Commissioner this Industrial Dispute has been referred to this Tribunal for adjudication. In a nut shell the case of the workman is that he had put in more than 240 days of continuous service within 12 month proceeding the date of his termination. His services were terminated without any notice and notice pay and without

retrenchment compensation. Status quo as required under Sec. 33 of the Industrial Disputes Act was not maintained. The action of the management in terminating the service of the workman is retrenchment and the management did not follow the rules 77 of the Industrial Disputes Central rules and did not display the name of the workman in the category of the workman in accordance with their seniority. Further the case of the workman is that the management committed an unfair labour practice by keeping on tenterhooks without absorbing him as permanent. Further the case of the workman is that he was working against a permanent post in Nathnagar Branch of the Bank since 30-10-2000.

3. Management of Bihar Kshetriya Gramin Bank, Munger have filed their written statement. Their case is that Bihar Kshetriya Gramin Bank, Munger (hereinafter referred to as Bank) has been created under Regional Rural Banks Act, 1976 with 50% share belonging to the Central Govt. 15% share belonging to the State Govt. 15% and 35% share belonging to the Sponsoring Bank. The Bank is guided by the Circulars of the Govt. of India, Reserve Bank of India and NABARD. Bank is State within the meaning of Article 12 of Constitution of India and as such the appointment and the employment in the Bank against rule and regulation and article 14 and 16 of the Constitution of India is nullity and any person appointed without following rules and regulations will not be protected under the provisions of Industrial Disputes Act so much so under Sec. 25-F of the Industrial Disputes Act. The appointment of any employee without advertisement or without calling name from Employment Exchange, without following procedure for appointment and without adhering to rule of reservation is nullity and are treated as back door employment and will not give any right to such employee under any law. Ministry of Finance Department of banking issued a circular vide D/O. No. F. O.-27/75-SC 26th November, 1975, whereby and whereunder decided the class and strength of Officer and Employees to be appointed by Regional Rural Bank viz-Branch Manager, Field Officer/Accountant, Clerk, Junior Clerk and this circular also provides for their emoluments. This circular specifically says that no peon or his equivalent by any designations would be employed by Regional Rural Banks. Services of those who are reported to have been appointed already may be dispensed with immediately.

4. Bhagalpur-Banka Kshetriya Gramin Bank was amalgamated with Bihar Kshetriya Gramin Bank. Branch Managers of Kshetriya Gramin Bank beyond needs and against the rules and regulations had employed number of persons in each Branch on daily wages. They were engaged on daily wages without any advertisement, without calling the name from the Employment Exchange and without following the rule and regulation of employment in violation of article 14 and 16 of Constitution

of India. Service Regulation made by Bihar Kshetriya Gramin Bank is not applicable to any person engaged temporarily on daily wages and as such they are not treated as employees of the Bank. Having considered the problem of part time messenger-cum-sweeper employed by Kshetriya Gramin Bank all over India. NABARD issued a Circular to treat as regular employee of R.R.B. all such messenger-cum-sweeper who were in service as on 22-2-1991 and who had completed 240 days of continuous service. It was one time regularisation. It is the case of the Bank that in a Branch where there was already full time messenger any person engaged after 22-2-1991 as sweeper or on any other designation on daily wages was against the circular of the Central Govt. as well as the NABARD and all engagement of those class of persons are illegal, nullity and such person is not entitled to protection u/s. 25-F of Industrial Disputes Act. With the general pleadings as aforesaid, it has been specifically pleaded that the workmen concerned in this reference was engaged on daily wages without following the rules of appointment, without advertisement, without calling the names from the Employment Exchange, without following rules of selection and without following rules of reservation. The workman was not given any appointment letter and it was verbal engagement on part time basis. Further the case of the Bank is that the workman Kumar Manoj Priya was not member of the Union. Therefore Bihar Provincial Gramin Bank Employees' Association has no right to represent the workman in this case. In reply to specific pleading of the statement of claim regarding employment of the workman and his working continuously since 30-10-2000, there is no specific denial. It has been repeatedly said in the pleading of the Bank that Sec. 25-F of the Industrial Disputes Act is not applicable in this case and the workman is not entitled to any relief.

5. On the basis of terms of reference and pleadings of the parties following questions are required to be decided in this reference.

- (i) Whether workman Kumar Manoj Priya has proved that he worked for 240 days or more continuously within 12 months immediately preceding termination of his service?
- (ii) Whether the action of the management in terminating the services of Shri Kumar Manoj Priya, without complying with Section 25-F of Industrial Disputes Act is legal and justified?
- (iii) Whether the action of the management is not maintaining status quo as per Sec. 33 of the Industrial Disputes Act is legal and justified?
- (iv) Whether the action of the management is not regularising and reinstating and not giving Kumar Manoj Priya permanent status on a regular post of messenger-cum-sweeper is legal and justified?

(v) To what relief Kumar Manoj Priya is entitled to?

6. **Question (i) :** the case of the workman is that he was appointed/engaged w.e.f. 30-10-2000. He has put in a total number of 563 days of services. He had completed more than 240 days of continuous service in each year particularly within 12 months immediately preceding his termination from 16-9-2006. This claim of the workman has not been denied specifically by the Bank in written statement. Rather the witness examined on behalf of the Bank M.W. 1 Sri Anil Kumar, who is a Senior Manager (Personnel) of Bihar Kshetriya Gramin Bank, Munger state in his cross-examination (Paragraph 22) that he did not know as to for how many days continuous of the workmen worked but he was removed from work without notice. No pay in lieu of notice was given to workman and no compensation was given to the workman. This statement by a Senior Manager of Personnel Department of the Bank in the witness Box is can did admission of the case of the workman that he was removed/terminated without any notice and compensation. Besides this admission by the management the workman examined as W.W. 1 has also stated that he worked from 30-10-2000 within 12 months preceding the date of his termination he had completed 240 days of continuous service. He has produced documentary evidence also. Ext. W/1 is the letter from the Head Office of the Bank on the basis of which the workman was appointed. Letter dated 9-10-2002 granting festival advance is Ext. W/3. A report sent by Nathnagar Branch to the Head Office for regularisation is Ext. W/4. This report shows that he had worked for more than 563 days as on 2-4-2002. Order of Provident Fund Commissioner is Ext. W/12 which indicates that the workman worked for the period from 30-10-2000 to Sept., 2006 and he was paid a sum of Rs. 1,31,298 payment voucher for the month of Sept. 2006 is Ext. W/13. The workman filed a petition dated 13-2-2009 praying therein to call for certain documents which was allowed and the Tribunal vide order dated 13-2-2009 directed the Bank to produce the documents called for in that petition. In that petition, inter alia, at serial no. 18 Nominal Muster Roll and Wage Register for the period from 30-10-2000 to 16-9-2006 was called for and at serial No. 19 Attendance Register for working of the workman from 30-10-2000 to 16-9-2006 was called for. There two documents could have been evidence of the fact that the workman worked. It was argued on behalf of the workman that adverse inference should be drawn against Bank for not producing these documents in spite of direction of the Tribunal dated 13-2-2009.

In this regard law is well settled. In Director, Fisheries Terminal Division V. Bhikubhai Meghajibhai Chavda AIR 2010 SC 1238 it was held :

“Section 25-B of the Act defines continuous service”. In terms of sub-section (2) of Section 25-B that if a workman during a period of twelve

calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer 240 days within a period of one year, he will be deemed to be in continuous service. The respondent claims he was employed in the year 1985 as a Watchman and his services were retrenched in the year 1991 and during the period between 1985 to 1991, he had worked for a period of more than 240 days. The burden of proof is on the respondent to show that he had worked for 240 days in preceding twelve months prior to his alleged retrenchment. The law on this issue appears to be now well settled. This court in the case of *R. M. Yellatty V. Assistant Executive Engineer* (2006) 1 SCC 106 (2005 AIR SCW 6103), has observed:

“However, applying general principles and on reading the aforesaid judgements, we find that his Court, has repeatedly taken the view that the burden of proof is on the claimant to show that he had worked for 240 days in a given year. This burden is discharged only upon the workman stepping up in the witness box. This burden is discharged upon the workman adducing cogent evidence, both oral and documentary. In cases of termination of services of daily waged earners, there will be no letter of appointment of termination. There will also be no receipt of proof of payment. Thus in most cases, the workman (the claimant) can only call upon the employer to produce before the Court the nominal muster roll for the given period, the letter of appointment of termination, if any, the wage register, the attendance register, etc. Drawing of adverse inference ultimately would depend thereafter on the facts of each case”.

In the case in hand there is no specific denial by the Bank that the workman was not engaged or he did not work for 240 days continuously in preceding twelve calendar months from the date of his termination. W.W.1 Kumar Manoj Priya the workman himself has stated on oath in the witness box that he worked for more than 240 days within 12 months immediately before termination of his services. It is well settled that in such cases documents of appointment attendance and payment of wages may not be with the workman. There documents were called for from the management but in spite of direction by the Tribunal, were not produced. Under such circumstances, this is a fit case where adverse inference should be drawn against the management. Having considered the leadings and evidence as also the circumstances of non production of important documents by Bank in spite of calling and direction of Tribunal, I hold that the workman worked for more than 240 days continuously within twelve months immediately preceding termination of his services.

7. Question No. (ii) : The main defence put forward

by the Bank is that Bihar Kshetriya Gramin Bank, Munger has been created under the Regional Rural Bank Act, 1976. It is guided by the direction and circulars issued by the Central Government/Reserve Bank of India/NABARD. The workman was earlier illegally engaged by local Management of a Branch of Bhagalpur-Banka Kshetriya Gramin Bank without advertising the vacancy without calling for the names from the Employment Exchange and without following any procedure of appointment. Later on Bhagalpur-Banka Kshetriya Gramin Bank merged with Bihar Kshetriya Gramin Bank. In 1991 by a circular part time messengar- cum-sweeper who had completed 240 days of continuous service were ordered to be treated as regular employee of R. R. Bs. In the same circular there was complete ban on further employment of part time or full time sweeper or messengar. The workman was engaged on 30-10-2000 and as stated above without any notification of vacancy, without any advertisement, without calling for names from Employment Exchange, and without following any procedure. Such an employment is illegal and the person appointment has no legal right. His engagement was nullity and he will not get the protection of Section-25-F of the Industrial Disputes Act, 1947. The learned Counsel appearing on behalf of the management argued this aspect of the case vehemently. In this regard reliance was placed by the learned Counsel for the management on Constitution Bench decision of Hon'ble Apex Court in *Secretary, State of Karnataka Vs. Uma Devi and others* AIR-2006 SC 1806—

“Unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his terms of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the Court to prevent regular recruitment at the instance of temporary employee whose period of employment has come to an end or of adhoc employees who by the very nature of their appointment, do not acquire any right. High Courts acting under Art 226 of the Constitution of India, should not ordinarily issue directions for absorption, regularization, or permanent continuance unless the recruitment itself was made regularly and in terms of

the constitutional scheme. Merely because, an employee had continued under cover of an order of Court, which is described as litigious employment, he would not be entitled to any right to be absorbed or made permanent in the service. In fact, in such cases, the High Court may not be justified in issuing interim directions, since, after all, if ultimately the employee approaching it is found entitled to relief. It may be possible for it to mould the relief in such a manner that ultimately no prejudice will be caused to him, whereas an interim direction to continue his employment would hold up the regular procedure for selection or impose on the State the burden of paying an employee who is really not required. The Courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affairs by the State or its instrumentalities or lend themselves the instrument to facilitate the by passing of the constitutional and statutory mandates.

8. The learned Counsel appearing on behalf of the workman argued that the case before the Hon'ble Apex Court in the matter of Uma Devi was not a case under Industrial Disputes Act. The case before the Hon'ble Apex Court was only limited on the question of regularisation. The Industrial Disputes Act has provisions for protection of interest of the workman and any retrenchment or termination of service without complying with the required provisions is illegal and the workman so retrenched or dismissed deserves relief of reinstatement with full back wages. The learned Counsel further argued that it is not that the workman in this case was engaged by the local manager without approval of the Head Office of the Bank. Ext.W/1 is a letter dated 27-10-2000 from Head Office of Bhagalpur-Banka Kshetriya Gramin Bank as it then was regarding employment of the workman and on the basis of that letter he was appointed.

9. This is a case under Industrial Disputes Act. Admittedly the termination of service of the workman was based on a circular of NABARD requiring R.B.Bs. to discontinue with the services of persons engaged as sweeper or messenger on daily wages basis or on part time basis. Admittedly no notice was given to the workman. No pay was given to the workman. No compensation was given to him. Non-compliance of provisions of Sec. 25-F of the Industrial Disputes Act is thus admitted. There is no dispute that provisions of Sec. 25-F of the Industrial Disputes Act were not complied with to which in my opinion the workman was entitled. Uma Devi's case (Supra) was not a case under Industrial Dispute Act. It was held by Hon'ble Court Krishan Singh Vs. Executive Engineer 2010 AIR SCW 1862 (paragraph 12) that decision in Uma Devi's case relates to regularisation in public employment and has no relevance to an award under Section 11A of the Industrial Dispute Act.

10. **Question (iii) :** The case of the workman is that having sensed the termination of this services on the basis of so called circular of NABARD he made representation on 11-9-2006 to the Assistant Labour Commissioner (Central), Patna to intervene in the Industrial Dispute for amicable settlement of the matter. A.L.C., Patna issued notice to the Chairman of the Bank fixing 15-9-2006 for conciliation. On 15-9-2006 parties appeared before A. L.C., Patna and representative of the management sought for an adjournment for a month. However in course of proceeding the management's representative agreed to maintain status quo as per Sec. 33(i) of the Industrial Dispute Act during the pendency of an Industrial Dispute. But the management terminated the services of the workman w.e.f. 16-9-2006.

11. The learned Counsel for the workman argued that when an Industrial dispute was pending for conciliation before the Conciliation Officer, it was mandatory for the management to comply with the provisions of Sec. 33 (1) and 33(2) of the Industrial Disputes Act. The management did not obtain the permission of the Conciliation officer to terminate the service of the workman. The management did not even apply for such permission. The Learned Counsel for the workman argued that the order of termination of service of the workman under such circumstances is nullity in eye of law and nonest. Under circumstances the workman should be treated as in employment without any break of his service. In this regard the Learned Counsel for the workman relied upon Jaipur, Zila Sahakari Bhumi Vikash Bank Ltd., Vs. Ram Gopal Sharma & Ors. wherein Hon'ble Apex Court held that proviso to Sec. 33(2) (b) are mandatory and its compliance is must to make an order of discharge or dismissal passed under Sec. 33(2)(b) operative. The proviso can not be diluted or dispensed by the employer. He can not disobey the mandatory provision and then say that the order of discharge or dismissal made in contravention of Sec. 33(2) (b) is not void or inoperative. The protections afforded to a workman under the said provisions can not be taken away. It was held by the Hon'ble Apex Court :—

"1. Where an applications is made under Section 33(2) (b) proviso, the authority before which the proceeding is pending for approval of the action taken by the employer has to examine whether the order of dismissal or discharge is bonafide; whether it was by way of victimization or unfair labour practice; whether the conditions contained in the proviso were complied with or not etc. If the authority refuses to grant approval obviously it follows that the employee continues to be in service as if the order of discharge or dismissal had never been passed. The order of dismissal or discharge passed invoking Section 33(2) (b) dismissing or

discharging an employee brings an end of relationship of the employer and employee from the date of the dismissal or discharge but that order remains incomplete and inchoate as it is subject to approval of the authority under the said provision. In other words, this relationship comes to an end de jure only when the authority grants approval. If approval is not given, nothing more is required to be done by the employee, it will have to be deemed that the order of discharge or dismissal had never been passed."

It was further held that—

"The view that when no application is made or the one made is withdrawn, there is no order refusal of such application on merits and as such the order of dismissal or discharge does not become void or inoperative unless set aside under Section 33-A, can not be accepted. Not making an application under Section 33(2)(b) seeking approval or withdrawing an application once made before any order is made thereon, is a clear case of contravention of the proviso to Section 33(2)(b)."

12. The Learned Advocate appearing on behalf of the management argued that no Industrial Dispute was pending for Conciliation before Asstt. Labour Commissioner (Central) Patna on the date of dismissal or termination of service of the workman. Since there was no Industrial Dispute pending for conciliation or, there is no question of application of Sec. 33 or proviso to Sec. 33(2)(b) of the Industrial Dispute Act. The Learned Counsel argued that the workman apprehending termination his services filed a petition before Asstt. Labour Commissioner (Central) Patna. But it was not an industrial dispute. The Industrial Dispute was not espoused on that date by the Union or substantial number of workman or workman as class.

13. In order to appreciate the aforesaid argument by the parties it is necessary to have a look on the provisions of Sec. 33 of the Industrial Disputes Act, which reads as follows :

33 " Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings—

(1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before (an arbitrator or) a Labour Court or a Tribunal or National Tribunal in respect of an Industrial Dispute, no employer shall :

(a) In regard to any matter connected with the dispute, after to the prejudice of the workman concerned in such dispute, the conditions of service

applicable to them immediately before the commencement of such proceeding; or

(b) For any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute, save with the express permission in writing of the authority before which the proceeding is pending.

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute (or where there are no such standing orders, in accordance with the terms of the contract, whether express or implied, between him and the workman)

(a) alter, in regard to any matter not connected with the dispute the conditions of service applicable to that workman immediately before the commencement of such proceeding; or

(b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman :

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

(3) Notwithstanding anything contained in sub-section (2), no employer shall during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute—

(a) by altering, to the prejudice of such protected workman, the conditions of service applicable to him immediately before the commencement of such proceeding; or

(b) by discharging or punishing whether by dismissal or otherwise, such protected workman,

save with the express permission in writing of the authority before which the proceeding is pending.

Explanation — For the purposes of this sub-section, a "protected workman", in relation to an establishment, means a workman who, being (member of the executive or other office bearer) of a registered trade union connected with the establishment, is recognised as such in accordance with rules made in this behalf.

(4) In every establishment, the number of workman to be recognised as protected workman for the purposes of sub-section (3) shall be one percent of the total number of workman employed therein subject to a minimum number of five protected workman and a maximum number of one hundred protected workman and for the aforesaid purpose, the appropriate workman Government may make rules providing for the distribution of such protected workman among various trade unions, if any, connected with the establishment and the manner in which the workman may be chosen and recognised as protected workman.

(5) Where an employer makes an application to a conciliation officer, Board (an arbitrator, a Labour Court Tribunal or National Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, without delay, hear such application and pass (within a period of three months from the date of receipt of such application), such order in relation thereto as it deems fit):

(Provided that where any such authority considers it necessary or expedient so to do, it may, for reasons to be recorded in written extend such period by such further period as it may think fit:

Provided further that no proceedings before any such authority shall lapse merely on the ground that any period specified in this sub-section had expired without such proceedings being completed.”)

It appears from plain reading of Sec. 33 that pendency of any conciliation proceeding with respect to an industrial dispute is condition precedent for application of that Section. The Section starts with the words during the pendency of any conciliation proceeding.....in respect of any industrial dispute. “The provisions u/s. 33 become applicable only when a conciliation proceeding or any proceeding referred to in that Section is pending before any authority mentioned therein with respect to an industrial Dispute”. Pendency of an industrial dispute is ‘sine qua non’ for enforcing the Bar u/s. 33 of the Industrial Disputes Act, Two conditions must be fulfilled to attract the bar u/s. 33 of the Act—

- (i) There must be an industrial dispute and
- (ii) There must be a conciliation proceeding or any other proceeding mentioned in the Section pending before any of the authorities mentioned in the Section.

14. Now let us examine whether any industrial dispute was pending on the date of termination of service of the workman. The case of the workman is that he apprehending the termination of his service in the light of or on the basis of circular of NABARD filed a petition before Asstt. Labour

Commissioner (Central) Patna who issued notice to the management fixing 15-9-2006 a date for conciliation. But it was not any industrial dispute. It was not a dispute between Employer and workmen. It was petition by an individual workman apprehending termination of his services. Therefore it was not an industrial dispute. Industrial Disputes has been defined in Section 2(k) of the Industrial Dispute Act —

“2(k) Industrial dispute means any disputes or difference between employers and employees, between employer and workmen, or between workman and workmen, which is connected with the employment or non-employment or the terms of employment or with the condition of Labour of any persons.”

It is clear from the plain reading of the definition of the terms “Industrial Dispute” that in the dispute workmen are involved as a class. What imparts to the dispute of a workman, the character of Industrial Dispute is that it effects the right of workmen as a class. In an Industrial Dispute at least on one side the disputant are a body of men acting collectively and not individually.

It was argued that it was an industrial dispute as envisaged in Section 2A of the Industrial Dispute Act which reads :

“2A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.”

“Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with or arising out of such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute not with standing that no other workman nor any union of workmen is a party to the dispute”.

It is obvious that industrial dispute as deemed u/s.2A may arise only after discharge, dismissal, retrenchment or otherwise termination of services of an individual workman. Discharge, dismissal, retrenchment or otherwise termination of service is condition precedent to make an individual's dispute as a deemed industrial dispute u/s.2A. Unless an individual workman is discharged, retrenched, dismissed or otherwise terminated he can not raise an industrial dispute as u/s. 2A. This definition does not include “apprehended termination of service” as a ground to deem an individual dispute as Industrial Dispute.

In the case in hand, what was raised before A.I.C, Patna was a dispute of “apprehended termination of service”. This kind of dispute raised by individual workman

can not be an industrial dispute either u/s. 2(k) or 2A of the Industrial Dispute Act.

It was argued on behalf of workman that later on Union espoused the cause and took over the matter on 16-10-2006. Even if this argument is accepted then the industrial dispute starts from 16-10-2006, when the union took up the cause but not before that. Particularly the espousal of industrial dispute by Association or Union can not make the Industrial Dispute pending from back date on having retrospective effect. Therefore I am of the view that no industrial dispute was pending and as such no conciliation proceeding relating to that dispute was pending before Asstt. Labour Commissioner (Central) Patna on 15-9-2006 and as such the termination of services of the workman is not hit by Sec.33 of the Industrial Dispute Act.

15. Question No. (iv) : The Learned Counsel for the workman argued that in the matter of regularisation of service the workman in this case was discriminated against. In the light of a circular of NABARD part-time messenger-cum-sweeper or daily wagger who had completed 240 days of continuous service on that date were treated as regular employee R.R.B. w.e.f. 22-2-1991. But the workman was not treated as regular employee. His request for regularisation of his services was not considered and no heed was paid. In this case the circular to which the Learned Counsel for the workman made reference is of the year 1993. This was one time decision for one time regularisation. There was prohibition against future employment of daily wagger in that circular. The workman was employed/engaged against that circular in the year 2000. He can not claim benefit of regularisation under that circular. Moreover the workman in this case is a daily wagger. He was not appointed against any post. He did not work on any post or against any post. Therefore there is no question of regularisation of his services.

16. Question No.(v) : I have already held that the workman in this case worked for more than 240 days within 12 months immediately preceding the termination of his services. It is admitted case that he was not paid any compensation and Sec. 25-F of the Industrial Disputes Act was not complied with. Therefore termination of services of the workman in this case namely Kumar Manoj Priya is bad in the eye of law not legal and not justified. Now the question is to what relief he is entitled to. The Learned Counsel for the workman argued that when the termination services of the workman is not legal and not justified for non-compliance of Sec.25-F of the Industrial Disputes Act, he is entitled to re-instatement with full back wages.

The Learned Counsel appearing on behalf of the management argued that even if the termination services of the workman is found to be illegal reinstatement with

back wages may not be appropriate relief and only monetary compensation will meet and ends of justice.

Recent trend of decision of the Hon'ble Apex Court in such matters is in support of the argument advanced on behalf of the management. Reference to only one decision in which several other decisions of the Hon'ble Apex Court have been referred to will answer this question. In Senior Superintendent, Telegraph (Traffic) Bhopal Vs. Santosh Kumar Singh and others AIR 2010, it has been held.....

"In last few years it has been consistently held by this Court that relief by way of reinstatement with back wages is not automatic even if termination of an employee is found to be illegal or is in contravention of the prescribed procedure and that monetary compensation in lieu of reinstatement and back wages in cases of such nature may be appropriate. (See U.P. State Barasware Corpn. Ltd., & Anr. V. Uday Narain Pandey (2006) 1 SCC 479; Uttranchal Forest Development Corpn. V. M.C. Joshi (2007) 9 SCC 353; State of M.P. & Ors. V. Moti Lal Nehru Farmers Training Institute (2008) 5 SCC 75; Jaipur Development Authority V. Ramsahai & Anr. (2006) 11 SCC 684; Ghaziabad Development Authority & Anr. V. Ashok Kumar & Anr. (2008) 4 SCC 261; Mahboob Deepak Vs. Nagar Panchayat, Gajraula & Anr. (2008) 1 SCC 575 :

In a recent judgement authored by one of us (R.M. Lodha, J.) in the case of Jagbir Singh V. Haryana State Agriculture Marketing Board and Anr. 9 (2009) 15 SCC 327, the aforesaid decisions were noticed and it was stated :

It is true that the earlier view of this Court articulated in many decisions reflected the legal position that if the termination an employee was found to be illegal, the relief of reinstatement with full back wages would ordinarily follow. However, in recent post, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee is in contravention of the prescribed procedure. Compensation instead of reinstatement has been held to meet the ends of justice.

* * * * *

It would be, thus, seen that by a catena of decisions in recent time, this Court has clearly laid down that an order of retrenchment passed in violation of Section 25-F although may be set aside but an award of reinstatement should not, however, be automatically passed. The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this Court and

instead compensation has been awarded. This Court has distinguished between a daily wager who does not hold a post and a permanent employee."

In this case workman Kumar Manoj Priya is a daily wager. Having regard to fact of this case and law discussed above I am of the view that a compensation of Rs. 75,000 (Rs. Seventy Five Thousand) only will meet the ends of justice and as such Kumar Manoj Priya is awarded compensation of Rs. 75,000 (Rs. Seventy Five Thousand) only.

The management is directed to make the payment of compensation to the workman Kumar Manoj Priya within the 30 days of publication of the Award.

17. And this is my Award.

Dictated & Corrected by me.

HARISH CHANDRA SINGH, Presiding Officer

नई दिल्ली, 9 अगस्त, 2011

का. आ. 2379.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद नं. 2, पटना के पंचाट (संदर्भ संख्या 26/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-08-2011 को प्राप्त हुआ था।

[सं. एल-20012/435/2000-आई आर (सी-1)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 9th August, 2011

S.O. 2379.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 26/2001) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. BCCL, and their workmen, which was received by the Central Government on 09-08-2011.

[No. L-20012/435/2000-IR (C-1)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD

PRESENT : Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10
(1) (d) of the I.D. Act, 1947

Reference No. 26 of 2001

PARTIES: Employers in relation to the management of
M/s. B.C.C.L. and their workman.

APPEARANCES:

On behalf of the workman : Mr. D. Mukherjee, Secretary,
Bihar Colliery Kamgar
Union, Jharnapara,
Dhandad.

On behalf of the employers : Mr. D.K. Verma, Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 27th July, 2011

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their order No.L-20012/435/2000 (C-1), dated the 25th Jan, 2001.

SCHEDULE

"Whether the action of the management of M/s. BCCL in not regularising the services of the workman Sri Ajit Bouri working as Night Guard/Havildar of Dobari Colliery under Bastacolla Area is justified and legal? If not, to what relief is the workman entitled and from what date?"

2. Workman Ajit Bauri is present and filed the photo copy of office order dt. 16-05-2006 issued by the Project Officer, Dobari Colliery by which the workman along with other Sri Anil Kumar has been directed to perform his duty as Fan Attendant Mr. D.K. Verma, the I.d. Advocate for the management is present.

3. Perused the case record, it stands clear from it that a petition was filed on 13-7-2011 in behalf of the Union concerned workman Ajit Bauri and Mr. D. Mukherjee, the Secretary of the Union concerned had also moved it that since the petitioner/workman was not interested to contest the case, so the case may be closed and 'No dispute' Award may be passed. The aforesaid I.d. Advocate for the management also conceded to it. The present reference case relates to non-regularisation by the management of the service of workman Shri Ajit Bauri working as a Night Guard/Havildar of Dobari Colliery under Bastacolla Area. The case has been pending for the evidence of the workman since 6-9-2005, but meanwhile the workman Ajit Bauri as per office Order dt. 16-05-2006 of the Project Officer concerned has been directed to perform his duty

as Fan Attendant, so far that reason he does not want to contest the case; hence, no longer the industrial dispute as raised by the Reference case exists now. Under these circumstances, the case is closed and order is passed accordingly.

KISHORI RAM, Presiding Officer

नई दिल्ली, 9 अगस्त, 2011

का. आ. 2380.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पूर्व रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचाट (संदर्भ संख्या 33/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2011 को प्राप्त हुआ था।

[सं. एल-41012/207/97-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th August, 2011

S. O. 2380.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 33/1998) of the Central Government Industrial Tribunal, Dhanbad, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Eastern Railway and their workmen, received by the Central Government on 8-8-2011.

[No. L-41012/207/97-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. I) DHANBAD

In the matter of an Industrial Dispute under Section 10 (1) (d) (2A) of the I.D. Act.

Reference No. 33 of 1998

Parties : Employers in relation to the management of Construction Dept. of Eastern Railway, Dhanbad.

AND

Their Workmen

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES :

For the Employers : Shri D. G. Banerjee, Advocate

For the Workman : Shri B. B. Pandey, Advocate

State : Jharkhand

Industry : Railway

Dated, the 28th July, 2011

AWARD

By order No. L-41012/207/97-IR (B-I) dated 8/17-7-98 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the Construction Deptt. of E. Rly., Dhanbad in reverting Sri Sipahi Mistry from Group-C to Group-D cadre is justified? If not, to what relief the workman is entitled?”

2. The case of the concerned workman is that he was appointed as Casual Locking Fitter (SIM) in the Construction Wing of Signal & Telecom Department of the Senior Divisional Signal & Telecom Engineer, E. Railway, Dhanbad under the overall control of Divisional Railway Manager, E. Rly, Dhanbad and was posted under S.I. (Con.), Obra Dam on scale rate of casual SIM Gr. III in the year 1972, and he continued as such till 20-12-79 and his service was regularised on the post of Khalasi on and 21-12-79 wrongfully demoted group 'D' by the Employer, whereas his services should have been regularised on the post of regular SIM (SMS) Gr. III directly in terms of the judgement of Hon'ble Supreme Court with effect from 1-1-81, but this was not done by the Employer. After succeeding in the suitability test of SIM (SMS) Gr. III he was promoted to the post of SIM (SMS) Gr. III vide DSTE Con Dhanbad's letter No. SG-651/17/Con Pt. IV dated 5-4-1984 w.e.f. 2-4-1984. The concerned workman worked on the post of SIM (SMS) Gr. III in the scale of Rs. 260-400 + Rs. 950-1500 for 10 years, but no annual increments were adjusted to the pay of the applicant for which he is entitled to, as per rules enforced by the Govt. of India, Ministry of Railway, for the guideline of the Employer and also enforced upon the Employer to pay and adjust of the annual increments every year for the period he worked continuously. He was spared by SI/Con, Obra Dam and was directed to appear before Sr. DSTE E. Rly, Dhanbad for further posting and he appeared on 7-9-94 for his posting. Without any fault of the concerned workman and without any show cause to the concerned workman, he has been reverted to the post of Khalasi Helper by Sr. DSTE E. Rly, Dhanbad and his pay was also reduced from Rs. 1150 to Rs. 965. Thus he has been reverted in lower post and grade, without any notice under Sec. 9A of the I.D. Act.

It has been prayed that the Hon'ble Tribunal be graciously pleased to hold that the action of the management in reverting the concerned workman to a lower grade is not justified and he be treated on the post of

SMS Gr. III continuously on and from 6-9-94 and onwards and necessary adjustment of the wage structure of the concerned workman which was reduced from Rs. 1150 to Rs. 965 p.m. be adjusted and paid to him.

3. The case of the management is that the concerned workman was appointed as Ad-hoc Khalasi helper on stop gap measure for utilising his services in construction organisation. H.O. service was declared surplus by Construction Department. The concerned was never reverted from Group C, to Group D Cadre by the Construction Department and the said Khalasi Helper is not entitled to any relief. He worked as casual SIM Gr. III under SI/Cen/Obra and was empanelled as Khalasi but his service was not regularised on the post of Khalasi at any time. While working as Khalasi under the construction organisation, he was allowed to officiate as SIM Gr. III for a period of 2 months for construction work only. His lien as Khalasi was being maintained under Senior DSTE/Dhanbad and he was not to confer any claim over the seniority. He was allowed to work as temporary SIM Gr. III on officiating capacity but he was not allowed to continue further.

In rejoinder to the written statement of the workman the management has stated that the concerned workman was never reverted from the post of Ad-hoc SIM Gr. III to Khalasi Helper. He was declared surplus by the construction wing but he was absorbed as Khalasi helper and his pay was refixed at the rate available then. Due to reduction of staff strength in construction organisation he was sent to Sr. DSTE/DHN for absorption in open line and he was absorbed under Sr. DSTE/Dhanbad in the scale of Rs. 800-1150 (RP) and his pay was fixed at Rs. 965 in the scale of Khalasi Helper.

4. In rejoinder to the written statement of the management the concerned workman has stated almost same things as have been stated in the written statement.

5. The management has produced MW-1, Janardan Singh and proved documents as Exts. M-1 to M-3.

The concerned workman has produced himself as WW-1.

6. Main argument advanced on behalf of the concerned workman is that he been reverted without complying Sec.9-A of the I.D. Act, 1947. As per Ext.M-3 his pay was raised upto Rs. 1130 in normal course by giving increments, w.e.f. 1-4-92. But he has been posted as Khalasi helper vide DSTE/DHN letter dated 2-11-93 and pay fixed at Rs. 965.

7. Management, representative argued that there is no post of Fitter Grade III, so he cannot be given that scale. It has also been argued that the concerned workman

was sent to Obra. Initially he was appointed as Khalasi. He was given ad-hoc promotion to Obra to work as Grade-III by office order dated 5-4-84 and when the work of construction was completed he was returned back to Dhanbad because there was surplus staff. He has been placed as Khalasi in the revised pay scale.

8. But main argument advanced on behalf of the workman that his pay has been reduced. As per management's witness MW-1, he has stated in cross-examination that I do not know whether any notice u/s. 9-A of the I.D. Act, was issued to the concerned workman. Again he stated that the case of the concerned workman can be taken to be a case of demotion. After demotion his pay scale was fixed afresh and he started getting less than the scale which he was getting earlier at Obra on promotion.

This statement of the management's witness shows that the concerned workman was demoted to lower post and lower pay without giving notice u/s.9-A of the I.D. Act. It shows that the management not complied with Sec. 9-A and demoted him giving lower scale as per Ex. M-3.

Though the management in its written statement para 7 has admitted that the concerned workman has worked as SIM Gr. III and was empanelled as Khalasi at Obra. Again at para 8 of the written statement it has been stated while the workman was working as Khalasi under the construction organisation, he was allowed to officiate as SIM Gr. III for a period of 2 months for construction work only. In para 9 it has been stated that he was allowed to work as temporary SIM Gr. III on officiating capacity.

The above written statement as well as management's witness shows that the management had given SIM Gr. III to the concerned workman and he was promoted as per Ext.M-2 in the scale of Rs. 950-1500 w.e.f. 17-8-95. But as per Ext. M-3 his pay has been revised to Rs. 1130 from 1-4-92 and after that his pay has been reduced and posted as Khalasi Helper in the scale of Rs. 800-1150 and pay was fixed at Rs. 965. It shows that the concerned workman was not given notice u/s. 9-A of I.D. Act and his pay has been reduced. So, the action of the management is not justified.

9. Accordingly, I render the following award—

The action of the Construction Department of E. Rly, Dhanbad in reverting Sri Sipahi Mistry from group-C to Group-D Cadre is not justified. So, he is entitled for is previous pay protection, difference of wages and other consequential benefits. Management is directed to act accordingly within 30 days from the date of publication of the award.

H.M. SINGH, Presiding Officer

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2381.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 30/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-2011 को प्राप्त हुआ था।

[सं. एल-12012/27/2004-आई आर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 10th August, 2011

S.O. 2381.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the industrial dispute between the management of Bank of India and their workmen, which was received by the Central Government on 10-8-2011.

[No. L-12012/27/2004-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL- CUM -LABOUR
COURT, BANGALORE**

Dated: 15th July, 2011

Present : Shri S. N. Navalgund, Presiding Officer

C.R.No. 30/2004**I PARTY**

Shri M. Prabhakar,
No.18, Car Street,
Doddaballapur Post & Taluk,
Bangalore

II PARTY

The Zonal Manager,
Bank of India,
Karnataka Zone,
No.11, K.G Road,
Bangalore- 560009

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) has referred this dispute vide Order No. L-12012/27/

2004-IR (B-II) Dated 31-05-2004 for adjudication on the following Schedule :

SCHEDULE

"Whether the management of Bank of India is justified in imposing the punishment of 'Compulsory retirement from service' on Shri M. Prabhakar w.e.f. 18-11-2002? If not, what relief he is entitled to?"

2. The first party appointed as Subordinate Staff in the second party bank on 20-11-1984 was served with charge sheet dated 16-07-2002 for unauthorisedly remaining absent from duties without prior permission/sanction from 8-6-2002 till 16-07-2002 which amounts to gross- misconduct in terms of Para 5(b) of the Memorandum of Settlement. Since no response was received to that charge sheet the disciplinary authority appointed Shri P.G. Naik, Staff Officer as Enquiry Officer as per Ex. M2 and Shri N.K. Bagadia, Staff Officer as the Presenting Officer, as per Ex.M3 subsequently who was replaced by Shri B. Krishna as per Ex. M4. The enquiry officer while issuing notice of enquiry to the first party fixing date of enquiry on 3-9-2002 inspite of service since he did not turn up, issuing another notice to appear on 20-9-2002 as per Ex. M7 and inspite of its due service by RPAD as per Ex.M7 (a) he did not turn up, the enquiry officer while receiving the documentary evidence produced by the Presenting Officer marked as MEX-1, MEX-2 & MEX-3 submitted his enquiry finding dated 7th October 2002 to the Disciplinary Authority. Then when the Disciplinary Authority issued second show cause notice to the first party he submitted his explanation to the effect that since he was suffering from Jaundice and also met with an accident he could not attend his duties and he has two children studying in 7th & 9th Standard who are all depending on him lenient view may be taken while imposing the punishment. The Disciplinary Authority after affording personal hearing to the first party by his order dated 18-11-2002 passed the impugned order of the punishment of compulsory retirement from the bank's services with superannuation benefits i.e. Pension and/or PF and Gratuity as would be due otherwise under the prevailing Rules or Regulations and without disqualification from future employment, in terms of Para 6(c) of Memorandum of Settlement on Disciplinary Matters dated 10-04-2002, taking into account the earlier two punishments imposed for unauthorized absence during the years 1998, 1999 and 2000 for a period of 196, 192 and 88 days respectively.

3. Aggrieved by this punishment order the first party preferred appeal to the Zonal Manager, Karnataka Zone and Appellate Authority mentioning the same grounds mentioned in his reply to the Disciplinary Authority and the Appellate Authority after affording personal hearing to the first party by his order dated 18-01-2003 refused to interfere in the order of Disciplinary Authority and

confirmed the same. Aggrieved by these orders the first party raised the dispute before the Assistant Labour Commissioner(Central), conciliation since did not materialize the Central Government made this reference for adjudication.

4. After receipt of the reference pursuant to the notices issued by this tribunal both the parties entered their appearances through their respective advocates, filed their claim statement and counter statement respectively. The first party in his claim statement submits that he who was appointed on 20-11-1984 as staff subordinate in Bank of India Yeshwanthpur branch worked sincerely and due to slight mistake he remained absent for which a capital punishment of retirement from service being imposed is not justified. He also stated in his claim statement that he being from Schedule Tribe having family consisting wife and two school going children he be ordered to be reinstated in the service. In the Counter Statement filed on behalf of the Second Party it is contended that he was in the habit of remaining unauthorized absent and on earlier two occasions taking lenient view orders were passed and this time he could not explain his unauthorized absence which amounts to grave misconduct as per Para 5(p) of Bipartite Settlement dated 10-4-2002 the management having convinced that he has no mind to continue in service passed the impugned order of compulsory retirement with effect from 18-11-2002.

5. My Learned Predecessor while formulating the Preliminary Issue as to whether the Domestic Enquiry conducted against the first party by the second party is fair and proper? after receiving the evidence of enquiry officer for the second party and marking documents at Ex. M1 to M12 and after affording several opportunities to the first party to lead his evidence since the same was not availed, by order dated 2-1-2007 held the Domestic Enquiry being fair and proper. Subsequently when the matter was posted by my Learned Predecessor for arguments the first party and his counsel never turned up. After retirement of my Learned Predecessor for some time since this tribunal was vacant when notices were issued to both sides the first party entered his appearance on 3-8-2010 and later he never turned up and ultimately I have heard the arguments addressed by the learned advocate appearing for the second party on merits and proceed to pass the award.

6. Since there is no dispute the first party remained unauthorizedly absent covering the period of charge and failed to give his reply to the charge as well as to explain his unauthorized absence by appearing before the enquiry officer inspite of service of the notice and even before the Disciplinary Authority he could not produce any documentary evidence to substantiate that he was prevented from attending his duties for the relevant period due to either for suffering from Jaundice or having met with an accident. Therefore, absolutely I find no reason to

interfere in the enquiry finding as well as in the quantum of the punishment imposed by the Disciplinary Authority upheld by the Appellate Authority. Since it is borne out from the records that prior to this twice he was punished for remaining unauthorized absent by orders dated 19-12-2000 and 30-10-2001 by reducing time scale in terms of Para 21 (iv) C of 6th Bipartite Settlement, inspite of viewing his unauthorised absence leniently twice the first party having failed to improve in his conduct and also failed to explain his unauthorized absence for the charge period, absolutely I find no reason to interfere in the enquiry finding and the punishment imposed by the disciplinary authority upheld by the Appellate Authority. Under the circumstances. I arrived at the conclusion of rejecting the reference.

7. In the result I pass the following award:

AWARD

The reference is rejected arriving at the conclusion that the management of Bank of India is justified in imposing the punishment of Compulsory retirement from service on Shri M. Prabhakar w.e.f. 18-11-2002.

(Dictated to PA transcribed by her corrected and signed by me on 15-07-2011).

S. N. NAVALGUND, Presiding Officer

Annexure CR No.30/2004

List of witnesses examined by the Management

1. Shri P.G. Naik, Deputy Chief Officer MW1

Documents exhibited for the Management

1. Letter dated 16-7-2002 of the Assistant General Manager and Disciplinary Authority along with charge sheet dated 16-7-2002 Ex.M1
2. Order dated 16-7-2002 appointing Shri P.G. Naik as the Enquiry Officer Ex. M2
3. Order dated 16-7-2002 appointing Shri N.K. Bagadia as the Presenting Officer Ex. M3
4. Order dated 29-8-2002 appointing Shri B. Krishna as the Presenting Officer in the place of N. K. Bagadia. Ex. M4
5. Notice of the enquiry officer dated 26-8-2002 to the first party workman fixing the date of Preliminary enquiry on 03.09.2002 Ex. M5
6. Daily order sheet dated 3-09-2002. Ex. M6
7. Letter of the enquiry officer dated 3-9-2002 to the first party workman postponing the Preliminary Enquiry fixed on 03.09.2002 to 20-9-2002 (with acknowledgement). Ex. M7& Ex. M7(a)
8. Letter of the enquiry officer dated 20-9-2002 to the first party workman Ex. M8

placing him ex party on the enquiry fixed on 20-9-2002 postponing he preliminary enquiry fixed on 3-9-2002 to 20-9-2002 along with the RPAD (acknowledgment).

- | | | |
|-----|---|----------------|
| 9. | Letter of the enquiry officer dated 20-9-2002 to the first party along with the copy of the proceedings of hearing held on 20-9-2002 with acknowledgment. | Ex.M9
Ma(a) |
| 10. | Daily Order sheet dated 20-9-2002 | Ex.M10 |
| 11. | Certificate of posting slip under which proceedings and documents were sent | Ex.M11 |
| 12. | Enquiry report dated 7th October, 2002 | Ex.M12 |

List of witnesses examined by the first party

Nil

List of Documents of 1st party

Nil

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2382.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 474/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-2011 को प्राप्त हुआ था।

[सं. एल-41012/51/2001-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 10th August, 2011

S.O. 2382.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 474/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the industrial dispute between the employers in relation to the management of Western Railway and their workmen, which was received by the Central Government on 10-8-2011.

[No. L-41012/51/2001-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD

Present :

Binay Kumar Sinha, Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad, Dated 15th June 2011

Reference: CGITA of 474 of 2004
New Reference: ITC-24/2002 (Old)

Divisional Railway Manager,
Western Railway,
Rajkot-360 001

...First Party

And their Workman

Shri Babubhai A. Patel,
Nr. Jethabhai's Shop,
New Kachhala, Station Road,
At & Post: Lodra, Ta- Vijapur,
Dist: Mehsana-382835.

...Second Party

For the first party: — None

For the second party: Shri H.C. Pandya, Advocate

AWARD

An Industrial dispute arose between employer in relation to the management of Western Railway, Rajkot and their workman, Shri Babubhai A. Patel and on failure of Conciliation, the Conciliation Officer sent failure report resulting in sending this Reference for adjudication by the Appropriate Government, Government of India Ministry of labour Shram Shakti Bhavan, Rafi Marg, New Delhi vide order No. L-41012/51/2001-IR (B-1) dated 18-03-2002 in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the ID Act, 1947. The dispute referred for adjudication to the Tribunal under the schedule at Ext. 1 is as follows :

SCHEDULE

"Whether the action of the Management of Divisional Railway Manager, Western Railway, Kothi Compound, Rajkot in not calling Shri Babubhai A. Patel employed as PWI for training and thereafter not regularizing him in the post of PWI is justified? If not, what relief the concerned workman is entitled?"

(2) Notices to the both parties the employer and the workman were issued for filing their respective statement of claim and the reply/rejoinder statement. The second party workman appeared through lawyer and filed statement of claim which are as follows. His father Shri Ambalal Patel was a Railway employee serving with the administration of Western Railway, Rajkot Division. But his father died during service tenure, then second party workman being son of late Ambalal Patel requested to the Railway administration to appoint him on compassionate grounds in the appropriate post according to his educational qualifications in terms of Railway establishment Rules in vogue. Then the Railway administration considered his request to appoint him in a suitable post on compassionate grounds and was called for screening/interview on 30-06-1987, vide Divisional personnel officer, Rajkot letter dated 19-06-1987 as per Annexure A/I. He was successful in the screening on 30-06-1987 and he was considered for appointment in class-III on compassionate grounds and offer of the

appointment/training as APP. PWI grade-III scale Rs. 1400-2300 (RP) was made to him vide Divisional Railway Manager (E), Rajkot vide No. EE/B/106 dated 9-10-1987 and he was asked to complete requisite formalities- (1) To appear for medical examination at Railway Hospital Rajkot. (2) To complete attestation form for verification of character and antecedents by the Police authority and to report to superintendent 'EE' section between 10.00 hrs to 18.00 hrs, during working days. Such order is annexed as annexure A/2. After completion of the formalities DRME Rajkot vide his order No. EE/B/106 dated 6-5-1988 offered the appointment to him APP. PWI grade -III in Engineering Department on Rajkot division and advised to attend his office immediately for verification of original certificates etc, execute Agreement and to deposit security deposit etc. and also advised to depute him for training to Zonal Training School, Udaipur from 15-7-1988 to 14-10-1988, such order of DRM(E) Rajkot is annexed as Annexure-A/3. Further case is that on completion of the formalities he was sent for training to Zonal Training School Udaipur vide DRM(E) Rajkot order dated 27-11-1989 for 12 months including field training from 9-1-1990 to 2-4-1990 as per Annexure-A/4. After completion of the class training, he was directed for field training by Assistant Engineering/ Sabarmati (MG), in Reference to Principal Zonal Training School, Udaipur's letter number dated 2-4-1990 and DRM (E) Rajkot No. EE/89/15 CAP PWIS dated Nil, he was directed for training under CPWI, Kalol from January 1992 and on completion of the said training he was directed to Principal Zonal Training School, Udaipur for further class training under CPWI, Kalol's letter No. D/15 dated 14-3-1992 and DRM(E) Rajkot letters No. EE/1136/1 Vol. III dated 18-2-1992. Unfortunately, due to falling sudden sickness he (workman) was late by about 2-1/2 months to report to the training School. Further case is that he was quite fresh, in experienced and being unaware of leave/sick Rules etc, the Principal Zonal Training School, Udaipur vide his letter No. EE/118/1 part-V dated 5-6-1992 returned to DRM Rajkot with the advice to send him (workman) back for training which was to commence from 2-7-1992, as per Annexure-A/5. Further case is that the DRM Rajkot did not take any action on the aforesaid letter of the Principal Zonal Training School Udaipur for sending him for training to be commenced from 2-7-1992 and the Railway Administration failed either to send him for training or to initiate any action under Disciplinary Rules or Establishment Rules against him. He represented repeatedly to the DRM (E) Rajkot but of no avail. A representation was made on 8-5-1996 to the General Manager Western Railway Church Gate, Mumbai as per Annexure-A/6. Subsequently the workman made approach to the General Manager, Western Railway, Church Gate, Mumbai through Shri S.C. Menon, General Secretary, Western Railway Employees Union, Church Gate. Through union's letter dated 12-1-1997 as per Annexure- A/7, then representation was made on 6-4-1998 to General Manager, Western Railway Churchgate, as per Annexure-A/8. Further

case is that the in spite of so many representations, the Railway Administration did not pay any heed to his grievances. Then a legal notice dated 17-9-1998 through his lawyer was issued to the authorities that also went in vain. Annexure-A/9 is the legal notice dated 12-9-1996. Further case is that DRM(E) had never hold a Domestic Inquiry to find out the facts though the applicants was on regular appointment on compassionate ground. Than the workman made approach to the Regional Labour Commissioner (Central) Ahmedabad vide its application dated 31-8-1999 as per Annexure-A/10, and the RLC has under taken proceedings on various dates and the Railway administration made representation to the ALC (C) Ahmedabad vide letter dated 17-4-2000 as per Annexure-A/11 that the workman Pabubhai A. Patel was never appointed on the Railway and so, question of his reinstatement does not arises, the workman filed rejoinder to the aforesaid letter of Railway administration asserting that he was appointed on compassionate ground in term Railway Establishment Rules that he was duly appointed and also attended the training school and field training etc, his rejoinder dated 12-12-1999 is Annexure-A/12. Further case of the workman that the Railway Administration utterly failed to send him for training from 02-07-1992 as directed/ advised by Principal Zonal Training School, Udaipur. Further case is that if the Railway administration could have considered the unauthorized absent of the workman they had taken up Disciplinary action under the discipline and Appeal Rules holding Domestic Inquiry, but no such Domestic Inquiry was held and the Railway administration has failed to show gross negligence on part of the work. Even the Railway administration did not serve him a notice/ order as to termination of his services rather the Railway administration are silent and failed to initiate any action against the workman. On failure of conciliation report the appropriate Government referred the dispute for adjudication by this Tribunal. On these grounds prayer has been made by the second party workman as per statement of claim directing DRM and other appropriate authority to reinstate him as PWI and send him for completing training and for regularizing him in the post of PWI in which he was appointed previously on compassionate ground with further relief to which the workman is found entitle. As per Ext. 9, the list of documents from Annexure-A/1 to Annexure-A/12 were submitted by the second party workman.

(3) The second party workman filed a pursis at Ext. 10 for sending the charter of demand/statement of claim to the employer DRM Western Railway, Rajkot (first party) which was sent to the first party as per Annexure and was received in the officer of the DRM(I:) Western Railway, Rajkot Division as per Annexure-B A.D. on 17-11-2007 an application is filed by Shri S.S. Shevade, Lawyer for DRM Western Railway, Rajkot at Ext. 11 informing that he is empanelled Railway Advocate and has received telephonic

instruction from DRM Office. Western Railway Rajkot to appear and represent them in the above matter and he under took to file duly signed Vakalatnama on the next date, thereafter on 11-1-2001 Vakalatnama executed in favour of Shri S.S. Shevade Advocate by Divisional Personnel Officer, Western Railway, Rajkot was filed before the Presiding Officer at Labour Court at Ahmedabad in ITC No. 24/2002. On 10-3-2004 adjournment application was filed by Shri S.S. Shevade, Railway Advocate, but no any written statement was filed on behalf of the first party then a notice was also sent from the Tribunal to DRM, Western Railway, Kothi Compound, Rajkot for appearing and for filing the reply-but in spite of that thereafter Shri S.S. Shevade the Railway empanelled lawyer neither appeared in this case nor filed written statement of the 1st party as per under taking. Then a pursis at Ext. 15 was filed by Shri H.C. Pandya, Advocate for the second party requesting to stop stage of filing W. S. by employer not filed since 19-06-2002 and order was passed on 30-11-2009. On this pursis closing the right of the first party filing written statement. So, first party failed to contest this Reference.

(4) The second party workman Shri Babubhai A. Patel filed his affidavited statement in lieu of examination-in-chief at Ext. 17 dated 19-3-2009 and on the same date also filed a pursis at Ext. 18 for sending copy of affidavit (the evidence of the first party workman) dated 19-3-2009 to DRM Rajkot which was sent to the first party with. With a fresh notice issued to the first party through registered post with A.D. and the affidavited evidence of workman at Ext. 17 with notice. Ext. 19 where received in the officer of the DRM, Western Railway Kothi Compound, Rajkot. The case which was pending in the court of Industrial Tribunal (Central Rajkot) was received on transfer in this Tribunal and record was put up on 30-12-2010 and fresh notice was issued to the both parties DRM (first party) and the workman Shri Babubhai A. Patel on 11-2-2011 informing them to appear in the Court of Tribunal on 18-3-2011. The consequent upon issuing of the fresh notice by this Court, the second party workman with his lawyer Shri H.C. Pandya appeared on 18-3-2001 and filed an application that the second party has already submitted his evidence through affidavit and the 1st party remained absent throughout, did not file written statement and in spite of receiving a copy of affidavited evidence of the second party workman did not appear for his cross-examination and so, making prayer for keeping the record for final order and so the record was kept reserve for award.

(5) Points for consideration and determination are as follows:-

POINTS

(I) Whether the action of the Management Divisional Manager Western Railway, Kothi Compound Rajkot in not calling the workman Shri Babubhai A. Patel

employee as PWI for his further training and thereafter no regularising him in the post of PWI is justified or not ?

(II) Whether the second party workman is entitled to the relief as claimed through his statement of claim supported with the documents as per Annexures Ext. 9 series and also as per his affidavited evidence at Ext. 17 ?

Point No. I

(6) The second party, workman Babubhai A. Patel has supported his claim, also through his affidavited evidence at Ext. 17. His evidences at Ext. 17 remained unchallenged because the first party Western Railway failed to cross-examine him. More so, there is no any pleading of the first party to justify its earlier stand taken before the ALC (Central) that the workman Babubhai A. Patel is not appointed at any point of time. On the other hand the second party workman has been able to prove through his oral evidence and also through documents as per Ext. 9 series which have been filed in support of his pleadings with statement of claim, it is proved that the workman was appointed as apprentice PWI on compassionate ground through order No. EE/890/15 Vol (VIII) issued from the Divisional Office Rajkot Dated 27-11-1989. This go to show that Besides the workman 3 others S.I. No. 1 Yogesh P., S.I. No. 2 Kurendra Kumar, S.L.No. 3 present workman and S.L.No. 4 Dasuvendra Kumar were informed on the subject of initially training to Non-gazetted staff- Engineering Department Apprentices PWI/Mistry. Contents of letter is as follows- "you have already accepted offer of the appointment/training issued to you earlier. Now you are required to be placed under initial training for apprentice PWI/IOW/P-Way Mistry commencing at Zonal Training School Udaipur from 3-1-1990 to 8-4-1990. It has also been mentioned that the training period, including field training prescribed for Apprentice PWI and for other post is for 12 months during which you will be paid stipend of Rs. 1400 per month and other allowances as admissible under the rules and those appointed candidates were asked to fill up agreement on stamp paper, attestation form for verification of character and antecedent, Certificate of character from two gazetted officers." From the oral and documentary evidence adduced on behalf of the second party workman, it is proved that he was sent for training to Principal Zonal Training School Udaipur. It is also proved that after completion of class training at Zonal Training School, Udaipur, the workman was directed for field training by Assistant Engineer Sabarmati (MG) with Reference to Principal Zonal Training School Udaipur. Again the workman was directed for training under CPWI Kalol from January 1992 and after completion of his training he was directed to Principal. Zonal Training School, Udaipur for further class training, thereafter the second party workman who was appointed as apprentice PWI, could not report to Zonal Training School Udaipur in time rather due to his illness he reported two and half months late to training

school. So second party workman could not join the training session and the Principal Zonal Training School Udaipur vide his letter No. EE118/1 part-V dated 5-6-1992 informed to DRM Western Railway Rajkot and returned to the second party workman appointed App. PWI for sending him back in training which is to commence from 2-7-1992. It has also been proved that repeated request was made through letters/representation and also making personal contacts but no any letter was issued to him in view of the letter of Principal Zonal Training School Udaipur for again sending him for further training from 2-7-1992.

(7) From the evidences oral and documentary it is proved that the second party workman Shri Babubhai A. Patel was appointed on compassionate ground as Apprentice PWI by the first party Railway Management and he also joined training in the Zonal Training School Udaipur where he received the training and then he also joined a field training at Sabarmati and Kalol and again he was directed to join training at Zonal Training School Udaipur, but due to his illness he could not join the training School session, rather reported late and since the training session was going on. So, he was not permitted to join the training session in the midst rather so, advise for further training from the training session starting 2-7-1992 and in this regard DRM (E) Rajkot was also informed by the Principal through letter but thereafter the first party did not perform its part by issuing another letter directing second party workman to go and join the Zonal Training School Udaipur for completing the period of Apprentice, rather completely slept over the matter by the first party. The second party workman could not be able to complete his full training for his regularising on the post of PWI since he was appointed as Apprentice PWI getting stipend of Rs. 1400+ other permissible allowances as per letter of appointment. So, the action of the Management of Divisional Railway Manager, Western Railway, Kothi Compound, Rajkot in not calling the workman Shri Babubhai A. Patel for his further training even after his appointment as Apprentice PWI is quite unjust and improper. The completion of the total training was essential for regularising the second party workman, even though the workman failed to complete last part of one years training and so his regularisation was to be deferred by the first party unless until the period of training is completed. So, in this regard, the action of the first party workman is not sending him for completing the training period from 2-7-1992 as per advice of the Principal, Zonal Training School, Udaipur was quite uncalled for and unjustified for debarring the second party workman for his appointment on regular basis on the post of PWI after his initial appointment as Apprentice PWI. This point is decided against the first party workman and it is held that the action of the first party in not calling the workman Shri Babubhai

A. Patel Apprentice PWI for his further training and for not regularising in the post of PWI are unjustified and improper.

Point No. II

(8) In view of the findings given to point No. I that the second party workman is found entitle for his reinstatement as Apprentice PWI and is also entitled that he be sent for completing the training and is also entitled that after completing the training for regularising in the post of PWI. This point is decided in favour of the second party workman.

(9) This Reference is allowed. The first party DRM (E) Rajkot, is directed to reinstate the workman Babubhai A. Patel as Apprentice PWI and the first party is further directed to send the workman for completing his part of the training at Zonal Training School Udaipur and further field training if, so required and after completion of the training period, further directed for regularising the workman in the post of PWI.

No order as to cost.

Sent copies of this Award to the appropriate Government for the needful.

BINAY KUMAR SINHA, Presiding Officer

Date: 15-6-2011

Place: Ahmedabad

नई दिल्ली, 12 अगस्त, 2011

का.आ. 2383.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आकाशवाणी केन्द्र के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/141/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-2011 को प्राप्त हुआ था।

[सं. एल-42012/145/1998-आईआर (डी यू.)]

जोहन तोपनो, अवर सचिव

New Delhi, the 12th August, 2011

S.O. 2383.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.CGIT/NGP/141/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Akashwani Kendra and their workmen, which was received by the Central Government on 11-8-2011.

[No. L-42012/145/1998-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/141/2000

Date: 29-7-2011.

Party No.1

The Station Director,
Akashwani Kendra, Civil Lines,
Chandrapur (M.S.) 442401

Versus**Party No.2**

Ku. Vina D/o. Devidas Danav,
Binba Ward no. 43, Binbagate,
Chandrapur, Distt. Chandrapur

AWARD

(Dated: 29th July, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the industrial dispute between the employers, in relation to the management of the Akashwani Kendra and their workman, Ku. Vina D/o Devidas Danav to Central Government Industrial Tribunal-cum- Labour Court Jabalpur for adjudication, as per letter No.L- 42012/145/98-IR(DU) dated 30-11-1998, with the following schedule :—

"Whether the action of the Station Director, Akashwani Kendra, Chandrapur in terminating the services of Ku. Vina D/o. Sh. Devidas Danav is legal and justified ? If not, to what relief the workman is entitled?"

Subsequently, the reference was transferred to this Tribunal for disposal in accordance with law.

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the workman, Ku. Vina Danav ("the workman" in short) filed the statement of claim and the management of the Akashwani Kendra ("the Party No.1" in short) filed the written statement.

The case of the workman as projected in the statement of claim is that she was appointed by party no.1 in March 1994 and was entrusted with the work of typing and library on casual basis and she was being paid Rs. 600 per month on hand receipt and in the year 1996 she was being paid fortnightly and her salary was enhanced to Rs. 800 per month from 1-1-1996 and the party no.1 terminated her service orally on 16-9-1997 and during the entire period of her service, her record was clean and

unblemished and no memo in respect of her work was issued by the party no. 1 and she worked continuously since March 1994 till the date of her termination, without having any break and she worked for more than 240 days with the party no. 1, in the preceding year of the date of her termination and the mandatory provisions of the Act were not complied with, before termination of her services and as such, the termination of her services is illegal and arbitrary and she was neither given one month's notice nor paid salary in lieu of notice and retrenchment compensation, before termination of her service and the party no.1 also did not prepare and publish seniority list and appointed juniors in her place and thus violated the provisions of Sections 25-F and section 25-G of the Act. The workman has prayed for her reinstatement in services with full back wages and continuity in service.

3. The party no.1 in its written statement has pleaded inter-alia that the workman was engaged on assignment basis to assist in library and typing work in March 1994 and she was being paid Rs. 600 per month on hand receipt and the payment was increased to Rs. 800 per month from 1-9-1996 and the services of the workman was not terminated arbitrarily w.e.f. 16-9-1997 and as she was engaged purely as casual labour on assignment basis depending upon the requirement of the office and she was not a regular employee, she was discontinued from service w.e.f. 12-9-1997 (mentioned in W.S.), as her services were no more required. It is further pleaded by the party no. 1 that there was no question of adverse entry in the record of the workman or issuing of memo against her, as she was not a regular employee and she was engaged as per the requirement of the office and the details of the payment made to her is given in the separate sheet attached to the written statement and as she was engaged as a casual labour on assignment basis, there was no question of giving one month's notice or salary in lieu of notice and no employment is available with it and no muster roll was maintained in respect of the workman and as such, the workman is not entitled for any relief.

4. It is necessary to mention here that in this case on 2-8-2000 an award was passed against the workman by this Tribunal, holding that the action of the Station Director, Akashwani Kendra Chandrapur in terminating the services of Ku. Vina D/o. Sh. Devidas Danav is legal and justified and she is not entitled to any relief. The workman challenged the said award before the Hon'ble High Court of Judicature at Bombay, Nagpur Bench in WP no. 2370 of 2001 and the Hon'ble Court vide order dated 7-10-2006 was pleased to quash and set aside the award dated 2-8-2000 and to remand back the case for consideration of the same afresh in accordance with law.

5. It is also necessary here to mention that from 20-8-2008 the management did not appear in the case to contest the same.

6. At the time of argument, it was submitted by the learned advocate for the workman that the management was directed to produce the muster roll of the workman as per order dated 11-9-2008 but the management did not produce the said document and as such, adverse inference has to be drawn against the management and as it is clear from the materials on record that the workman had completed more than 240 days of work during a period of 12 calendar months, preceding the date of termination, the termination of the services of the workman without compliance of the mandatory provisions of the Act is illegal and the workman is entitled for reinstatement in service with continuity and full back wages. In support of such contentions, reliance was placed on the decisions reported in 2007(2) SLR-619 (Divisional Engineer Telecom BSNL Vs. Presiding Officer CGIT) and AIR 1966 SC-75 (Employers in relation to Digwadih Colliery Vs. the Workman).

Keeping in view the principles enunciated in the two decisions by the Hon'ble Courts, as mentioned above, the present case at hand is to be considered.

7. In this case, though the management has pleaded that the workman was engaged as a casual labour on assignment basis, from the pleadings of the parties and the list furnished by the management along with the written statement regarding the days of work performed by the workman and other materials on record, it is found that the workman had worked for more than 240 days in the preceding 12 months from the date of her termination. Hence the termination of the services of the workman amounts to retrenchment, in view of the definition given in section 2(o) of the Act. It is also found that before termination of the services of the workman, the mandatory provisions the Section 25-F of the Act regarding one month's notice or payment of one month's wages in lieu of notice and retrenchment compensation were not complied with. Hence the retrenchment of the workman by party no.1 is illegal. In view of such findings, there is no need to draw adverse inference against the party no.1 for non-production of the documents.

8. There is no evidence on record to come to a conclusion that any junior to the workman was engaged by the party no.1 in her place, in violation of Sections 25-G and 25-H of the Act. There is also neither any pleading nor any evidence on record to show that the workman was not gainfully employed from the date of termination. Hence is no question of payment of any back wages.

9. The only question for consideration is as to whether the workman is entitled for reinstatement in service. In this regard, I think it appropos to mention here the decision of the Hon'ble Apex Court in this regard as reported in 2010(8) Scales (In charge officer and another Vs. Shankar Shetty). The Hon'ble court have held that, "It is true that the earlier view of this court articulated in many decisions reflected the legal position that if the termination

of an employee was found to be illegal, the relief of reinstatement with full back wages would ordinarily follow. However, in recent past there has been a shift in the legal position and in a long line of cases, this court has consistently taken the view that relief by way reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee is in contravention of the prescribed procedure. Compensation instead of reinstatement has been held to meet the ends of justice".

In this case, admittedly the workman was engaged on casual basis and she was a temporary employee. It is also pleaded by the party no.1 that there is no vacancy of any post at present. So applying the principle enunciated by the Hon'ble Apex courts and taking into the consideration the entire facts and the circumstance of the case, I think that the relief of reinstatement is not justified and instead monetary compensation would meet the ends of justice. In my considered opinion, the compensation of Rs. 15,000 (Rupees fifteen thousand) in lieu of reinstatement shall be appropriate, just and equitable. Hence it is ordered;

ORDER

The action of the Station Director, Akashwani Kendra, Chandrapur in terminating the services of Ku. Vina D/o. She Devidas Danav is not legal and justified. The workman is entitled for monetary compensation of Rs. 15,000 (Rupees fifteen thousand) in lieu of reinstatement. The party no. 1 is directed to pay the compensation amount of Rs. 15,000 within one month from the date of notification of the award in the official Gazette.

J. P. CHAND, Presiding Officer

नई दिल्ली, 12 अगस्त, 2011

का.आ. 2384.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल फीड अनालेयटिकल लैबोरेटरी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 171/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-2011 को प्राप्त हुआ था।

[सं. एल-42012/32/98-आईआर (डी.यू.)]

जोहन तोपनो, अवर सचिव

New Delhi, the 12th August, 2011

S.O. 2384.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.171/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of Regional Feed Analytical Laboratory and

their workmen, which was received by the Central Government on 11-8-2011.

[No. L-42012/32/1998-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Shri J. Srivastava,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. INDUSTRIAL DISPUTE CASE NO. 171/2001

Date of Passing Award - 29th July. 2011

Between:

The Management of the Nutritionist, Regional
Feed Analytical Laboratory, Po. Nayapalli,
Bhubaneswar - 751 012, Distt. - Khurda.

... 1st Party-Management.

(And)

Their workman Shri Jagadish Digal,
C/o. Sudam Ch. Naik, Qrs. No. Type I/17,
Ctl. Poultry Complex, Nayapalli,
Bhubaneswar - 751 012

... 2nd Party- Workman.

APPEARANCES:

M/s. J.K. Nayak, ... For the 1st Party-Management.
Advocate.

M/s. S. Mishra, ...For the 2nd Party-Workman.
Advocate.

AWARD

In a reference of an industrial dispute between the employers in relation to the management of Nutritionist, Regional Feed Analytical Laboratory and their workman made by the Government of India in the Ministry of Labour vide their letter No. L-42012/32/98-IR (DU), dated 11-6-1998, following dispute has come up for adjudication:

"Whether the action of the management of Regional Feed Analytical Laboratory, Bhubaneswar in refusing work to Shri Digal is lawful and justified? If not, to what relief the workman is entitled to?"

2. In pursuance of the order of reference the 2nd Party-workman filed his statement of claim and stated that he was engaged by the 1st Party-Management on his application on daily wage basis. He joined his duties on 1-12-1995. He was initially given daily wages of Rs. 25 but

it was raised to Rs. 30 from June, 1997. He was engaged in various jobs including the job of night watchman. During his tenure of service he discharged all his duties most efficiently and diligently. He approached the 1st Party-Management several times to regularize his service but instead of regularizing his service he was refused employment with effect from 1-8-1997 without any prior notice or payment of compensation. He had continuously worked during the above period under the 1st Party-Management without any interruption and received his wages directly from the Management every fortnightly by signing cash vouchers. Thus he completed one year of continuous service as provided under section 25-B of the Industrial Disputes Act. As such he is entitled to get the compensation under Section 25-F of the Industrial Disputes Act. The principle of natural justice has not been followed by the 1st Party- Management before termination of his service. Refusal to employment amounts to retrenchment as defined under section 2(oo) of the Industrial Disputes Act, 1947. Thus his termination is arbitrary, malafide and also violative of the provisions of Section 25-H of the Industrial Disputes Act and he is entitled to reinstatement with full back wages.

3. The 1st Party-Management has alleged in its written statement that it is not an "industry" and the Industrial Disputes Act does not apply to it. The 2nd Party-workman was a contract worker and no "employer-employee" relationship exists between them. He was engaged on contract basis to perform miscellaneous work whenever work of miscellaneous nature existed. He was not refused work so long as the work existed and he was accepting the contractual agreement. The 1st Party-Management had engaged M/s. Anil Security Services, Bhubaneswar for security of its organization. The 2nd Party-workman was an employee of M/s. Anil Security Services, Bhubaneswar. He was getting his regular salary from the security organization. Besides that, he had also performed part time contract job for miscellaneous work while he was in full time employment of M/s. Anil Security Services, Bhubaneswar. He was never appointed by the 1st Party-Management. It is false to allege that the 2nd Party-workman had joined his duties on 1-12-1995 and his salary was increased from Rs. 25 to Rs. 30 per day. The piece-meal nature of occasional miscellaneous work of the office was offered to him as and when required subject to availability of contingent funds. Even as a contract worker he has not completed 240 days of continuous service in a year. He had never worked against any vacant post nor he was appointed as a casual labourer in this organization. Hence the question of appointment and retrenchment does not arise at all and the case is liable to be dismissed with cost.

4. On the pleadings of the parties following issues were framed :

ISSUES

1. Whether the action of the Management of Regional Feed Analytical Laboratory, Bhubaneswar in refusing work to Shri Digal is lawful and justified?
2. If not, to what relief the workman is entitled to?
5. The 2nd Party-workman Shri Jagadish Digal has examined himself as W.W.-I and proved documents marked as Ext.-I to Ext.-4.

The 1st Party-Management has also examined one witness namely Shri Sarat Kumar Panda as M.W.-I and proved documents marked as Ext.-A to Ext.-J.

FINDINGS

ISSUE NO. 1

6. From the admitted facts of the case and evidence led by the parties it comes out that the 2nd Party-workman had worked with the 1st Party-Management in dual capacity. He was first engaged as a casual worker to perform miscellaneous office work on contract basis from December, 1995 to June, 1997 and from December, 1996 to July/August, 1997 he worked with the 1st Party-Management under the contractor, M/s. Anil Security Services. Ext.-F filed by the 1st Party-Management is the application of the 2nd Party-workman addressed to the 1st Party-Management expressing consent to perform duty of miscellaneous office work on contract basis on the conditions given in the application itself. The 2nd Party-workman has filed the copy of the written reply of the 1st Party-Management to the dispute raised by the 2nd Party-workman before the Assistant Labour Commissioner (Central), Bhubaneswar which has been marked as Ext.-2. This document along with its enclosure has been admitted by M.W.-I Shri S.K. Panda in his cross examination by stating that "it is also a fact that the said document (Ext.-2) was filed along with an annexure detailing therein the payments made to the workman and the days on which he was engaged. The amounts shown in the annexure of Ext.-2 were paid to the workman but not to M/s. Anil Security Agency". This means that the 2nd Party-workman had worked under the 1st Party-Management for miscellaneous office work on contract basis with a charge of Rs. 325 per fortnight. The term "contract basis", to my mind does not mean that the 2nd Party-workman had worked under the contractor but had undertaken the work personally on a fixed fortnightly charges. Apparently, he was under the direct employment of the 1st Party-Management and not under any contractor. Ext.-2 shows that the 2nd Party-workman had worked in each fortnight, excepting one fortnight in the month of April, 1996 and two fortnights each in the months of August and September, 1996, continuously from December, 1995 to December, 1996 and then in each fortnight in the months of April to June, 1997. He had also performed the work of security guard under the security agency M/s. Anil Security

Services from 7-12-1996 to 23-8-1997 with certain breaks and absence as is revealed from Ext.-II filed by the 1st Party-Management. These two documents i.e. Ext.-2 and Ext.-H disclose that the 2nd Party-workman had worked for certain common period in dual capacity as casual worker directly under the 1st Party-Management and as a contract worker under M/s. Anil Security Services. M.W.-I has himself admitted that the workman was working under M/s. Anil Security service during the period from 1996 to 1997. Earlier to it he has also admitted that "at times the said security agency used to deploy the workman to provide security services to the establishment of REAL. During those days the workman used to undertake miscellaneous work as per his under laking given under Ext.-F. The workman used to attend to our work in his leisurely hours as per his convenience". This reflects that during the period from December, 1996 to June, 1997 the 2nd Party-workman simultaneously performed the work of security guard under M/s. Anil Security Services and also as a casual worker doing miscellaneous work under the direct employment of the 1st Party-Management. As a casual worker he thus constituted the relationship of employer and employee with the 1st Party-Management. Now it has to be seen whether the 2nd Party-workman as a casual worker has completed one year's continuous service under the 1st Party-Management from the date preceding cessation of his employment. This can be easily calculated from Annexure-II of Ext.-2 which is an admitted document. The 2nd Party-workman has stated in his examination-in-chief that he was refused employment on 31-7-1997, but in his cross examination he has mentioned different date of cessation of his employment by saying that "I was not assigned with any job contract with effect from 1-7-1997". The aforesaid Annexure-II also shows that last payment to the 2nd Party-workman was made on 1-7-1997 for the second fortnight of June, 1997. Therefore we have to calculate the period of service extending to 240 days from 1-7-1997 in the reverse direction and a period commencing from July, 1996 to June, 1997 has to be taken into account. During this period the 2nd Party-workman has not been shown to have worked for the months of August and September, 1996 and January, February & March, 1997 in Annexure-II. The 2nd Party-workman has also filed certain copies of bills for contract work marked as Ext.-I and Ext.-I/1 to Ext.-I/13, but any of the above bills does not relate to the month of August & September, 1996 and January, February & March, 1997. The 2nd Party-workman has not led any other documentary evidence to show and prove that he had worked for the aforesaid months also as a casual worker under the 1st Party-Management. Taking together the aforesaid period of service rendered by the 2nd party-workman as a casual worker it comes to a maximum of 210 days whereas under section 25-B one year's continuous service means 240 days service during a period of twelve calendar months preceding the date of cessation of employment. Therefore the 2nd Party-workman is not entitled to get any benefit

under Section 25-F of Industrial Disputes Act and the 1st Party-Management is not obliged to give him any notice in writing indicating the reasons for his retrenchment or pay compensation in lieu thereof or for the service rendered by him. In these circumstances it cannot be held that the action of the Management of Regional Feed Analytical Laboratory, Bhubaneswar in, refusing work to Shri Digal was unlawful and unjustified. This issue thus is decided against the 2nd Party-workman and in favour of the 1st Party-Management.

ISSUE NO. II

7. In view of the findings recorded in Issue No.1, the 2nd Party-workman is not entitled to any relief whatsoever claimed.

Dictated and corrected by me.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 अगस्त, 2011

का.आ. 2385.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जवाहर नवोदय विद्यालय के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 1/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-2011 को प्राप्त हुआ था।

[सं. एल-42012/169/1999-आईआर (डी यू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 12th August, 2011

S.O. 2385.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.1/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Jawahar Navodaya Vidyalaya and their workmen, which was received by the Central Government on 11-8-2011.

[No. L-42012/169/1999-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOR COURT, KANPUR

Industrial Dispute No. 1/2000

Between-

Sri Bhullan Singh, deceased through Legal heir Smt. Chanda Devi) S/o Sh. Dhanira,
Village Jatwari,
PO Jatwari,
District Mathura.

And

The Principal,
Jawahar Navodaya Vidyalaya,
Village & Post Paigaon,
Mathura.

AWARD

1. Central Government Mol. New Delhi vide notification No. L-42012/169/99-IR (DU) dated 21-12-99 has referred the following dispute for adjudication to this tribunal.

2. Whether the action of the Principal Jawahar Navodaya Vidyalaya Paigaon, Mathura in terminating the services of Shri Bhullan Singh with effect from 1-5-95 is legal and justified? If not to what relief is entitled?

3. At the outset it may be pointed out that the claimant Sri Bhullan Singh died during the pendency of the case and in his place his wife Smt. Chanda Devi was permitted to be substituted in place of the claimant by order dated 9-12-2010.

4. Briefly stated facts of the case as set by the deceased claimant in his statement of claim is that he was in continuous employment under the opposite party with effect from 2-7-92 Mess Helper/Generator Operator and electrical labour. A settlement dated 6-2-95 was arrived at between the contesting parties before A.I.C Mathura in which it was admitted by the claimant that he was under the employment of the opposite party at the above post. It is alleged by the claimant that the opposite party on 1-5-95 dispensed with the services of the claimant without any cogent reasons. It is stated that the claimant was being paid his wages through Punjab & Singh Bank Paigaon District Mathura through his account no. 1424. There was never any complaint of misconduct against the claimant. The case of the claimant is also that the opposite party before engaging him has predetermined to determine his services. It is stated that the claimant was in continuous service of the opposite party till 30-4-95. He was not paid his wages for the month of March 95 and April 95 by the opposite party on the alleged date of termination of his services. In this connection it is also stated by the claimant that an order had already been passed by the Prescribed Authority under the Payment of Wage Act and orders thereof are already in possession of the opposite party. It is stated that despite efforts made by the claimant he could not get any job. It is stated that juniors to the claimant are still in the employment of the opposite party.

5. Opposite party has filed the reply where in it has been alleged by them that the opposite party is not an Industry under Section 2(j) of the Industrial Disputes Act, 1947. The educational institution is being run without any profit motto at the cost of the government for the poor students through MHRD, New Delhi. No fees etc., is being

taken from the students. No cause of action had ever risen to the claimant on 1-5-95.

6. It is alleged by them that the claimant was not working on any regular post. There was no such permanent post against which the applicant had alleged to have worked. Claimant was engaged as a part time worker according to the availability of the work. It is also stated that the claimant had worked on work need basis as casual labour and he was being paid his wages at completion of work and his services stood terminated on each and every day. He was never given any appointment letter and he was not engaged or employed after following the prescribed procedure. It is also stated that the claimant was working as a permanent employee in PSGIF Private Limited since 01-12-91 to 26-6-96. He used to get his salary from there. He was never removed by any officer on 1-5-95, but the claimant himself did not come for work after 25-4-95 so the question of removing him does not arise. His work and conduct was not satisfactory. Accordingly it has been alleged that the claim of the claimant is beyond the scope and ambit of the provisions of Industrial Disputes Act, hence is liable to be rejected.

7. Both the parties have filed the documentary evidence.

8. Claimant has adduced oral evidence. He produced himself as W.W.1 Bhullan Singh. Opposite party has not produced any oral evidence in support of their pleadings.

9. Heard and perused the record.

10. Claimant has stated on oath that he has filed a claim statement and whatever is written therein is true. He has filed 10 documents which are photocopies of the original and are true and these are Ext. W.1 to W.10.

11. He has been thoroughly cross examined. He has stated in his claim statement that he was engaged on 2-7-92 Mess Helper/Operator/Electrician and his services were terminated on 1-5-95. He has been thoroughly cross examined on this point. But nothing has come out which makes his statement unbelievable. Suggestion was given to him that he did not work continuously which was denied. There is one more contention of the opposite party that during this period from 1-12-91 to 26-6-96 he was employed as a fulltime worker in M/s. PSGIF Pvt. Limited Nandgaon Mathura which was totally denied by the claimant. Opposite party has not given any evidence contradicting the statement of the claimant? If the opposite party was of a firm view that he was a permanent employee of the aforesaid firm and PF was also deducted then they could have easily summoned the record of that company but they did not file any cogent evidence in this respect. There is one more contention of the opposite party that the claimant has left the work of his own accord on 25-4-95, this suggestion or contention has also been denied by the claimant. It is also prayed by the claimant that he has filed

a case for payment of wages before the prescribed authority under the Payment of Wages Act which was allowed against the opposite party but opposite party has contended that there is stay of the operation of the impugned order passed by the Hon'ble High Court. I have gone through the order respectfully.

12. The contention of the opposite party that he was engaged as a part time casual worker according to the availability of the work has not been supported by any oral or documentary evidence; therefore, these contentions does not carry any weight. Claimant has also drawn my attention towards the documents which he had filed and I have gone through these papers. Much stress has been emphasized on paper no.15/12 which a compromise in between the parties which took place before the ALC Mathura. This paper has also been filed by the opposite party. In this settlement it is provided that the opposite party is ready to take the claimant in their service as daily rated employee and he will be getting the benefits as were received by him previously. It is mentioned that whenever there is any vacancy of generator operator/ electrician or mess helper the opposite party will consider the case of the workman sympathetically. It is also mentioned that after his engagement on 31-8-94 the workman will not claim for his back wages for the period for which he did not perform his duties. Therefore, this conciliation memorandum is admissible in evidence. Opposite party has not been able to contradict these facts.

13. From the facts and circumstances of the case it has been established and revealed that Sri Bhullan now deceased has been engaged as mess helper/generator operator since 2-7-92 and he worked there continuously and was removed from 1-5-95. It is also found that he has completed 240 days and more continuously since the date of termination. It is also found that he was not issued any appointment letter and he was not appointed by following the prescribed procedure, there was no such sanctioned post.

14. Now I have to see whether any right has accrued to him under section 25F of the Act. The Act does make any difference between casual labours or permanent employees. It is a social legislation. The intention of the legislation is to protect the interest of the labour class also; therefore, in my view a right has accrued to the deceased workmen under section 25F of the Act. It has also been found that the opposite party has not complied with the provisions of Section 25F at the time of dispensation with the service of the workman. Thus they have breached the provisions of Section 25F of the Act in as much he has neither been paid any notice or notice pay or retrenchment compensation by the opposite party. therefore, it is held that the termination of the services of the claimant was neither legal nor justified.

15. The contention of the opposite party is that the institution is being under the Society Registration Act and there is no profit motive, no fees are being charged from the students. They are provided free accommodation etc. The claimant has opposed all these things.

16. First of all I would like to say that this is a matter which requires to be probed on certain evidence. Opposite party has not adduced any evidence in this regard therefore, the contention of the opposite party in this regard is rejected. If the opposite party might have produced some evidence the claimant side may have an opportunity to cross-examine the witness and the real facts might have come before the court.

17. Opposite party has placed reliance upon a decision 2001 (91) FLR 176 Rajasthan High Court Anil Kumar Sharma and District Workmen Development Agency Vanbara and others. Whereas claimant side has placed reliance upon a decision of the Hon'ble Apex Court in the case of The Bangalore Water Supply and Sewerage Board versus A Rajjappa and others 1978. Lab IC page 447. In this case the Hon'ble Supreme court has laid down certain tests to conclude whether any department comes within the purview of Industry. The Hon'ble Court has held systematic activity, organized by cooperation between employer and employee, the direct and substantial element

commercial, for the production and the distribution of goods and service calculated to satisfy human wants and wishes (not spiritual or religious) but inclusive of material things or services gear to celestial bliss that is making on a large scale but Prasad or food, prima facie, there is an industry in that enterprises. Absence of profit motive or gain objective is irrelevant, both venture in the public joint private of other sector. The true focus in functional and decisive test is the nature of the activity viz. special emphasizes on the employer and employee relation. I have respectfully gone through the principle laid down by the Hon'ble supreme Court.

18. Therefore, considering the facts and circumstances of the case it cannot be said that the opposite party is not an industry. Therefore, the contention of the opposite party is rejected on this point.

19. From the discussion made above, reinstatement of the workman is not possible. But the same time the benefits accruing to him on the grounds of illegal termination of his services, his wife is held to be entitled to receive the same from the opposite party.

20. Reference is therefore, answered in favour of the workman and against the opposite party.

RAM PARKASH, Presiding Officer